

City Engineering Department
June 14, 1994

Honorable City Council:

Re: Community and Economic Development Department, Jefferson-Conner Industrial Subdivision No. 1, Street and Alley Vacations in the area bounded by Conner, Anderdon, Kercheval and Mack.

A "Project Plan" to develop the Jefferson-Conner Industrial Revitalization Area was adopted by City Council on February 18, 1987. The approved plan has authorized the city to acquire properties and consolidate parcels by vacating public streets and alleys. The following resolutions, vacating public rights-of-way, have been previously adopted by your Honorable Body:

May 27, 1988 — J.C.C. pgs. 1333-1339

June 8, 1988 — J.C.C. pg. 1471

October 12, 1988 — J.C.C. pg. 2557

May 24, 1989 — J.C.C. pg. 1291

November 27, 1994 — J.C.C. pgs. 2642-44

It is advantageous to the city to create a "plat" of Jefferson-Conner Industrial site. To facilitate a "plat" it is necessary to vacate public streets and alleys in the area bounded by Conner, Anderdon, Kercheval and Mack Avenues.

All of the public street alignments are delineated on the proposed "Jefferson-Conner Industrial Subdivision No. 1."

Necessary arrangements have been made with utilities to relocate their facilities from the public right-of-way. Where easements must be retained, provisions protecting utility installations are part of the resolution.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
WILLIAM L. TALLEY,
Head Engineer

By Council Member Cockrell:

Whereas, the City of Detroit through its Community and Economic Development Department is undertaking a project to develop industrial properties within the Jefferson-Conner Revitalization area, specifically the Jefferson-Conner Industrial Development site; being all that part of the site bounded by Conner, Anderdon, Kercheval and Mack Avenues. It is advantageous to the city to create a "plat" of "Jefferson-Conner Industrial Subdivision No. 1"; and

Whereas, the following resolutions, vacating public rights-of-way, have been previously adopted by City Council:

May 27, 1988 — J.C.C. pgs. 1333-1339

June 8, 1988 — J.C.C. pg. 1471

October 12, 1988 — J.C.C. pg. 2557

May 24, 1989 — J.C.C. pg. 1291

November 27, 1991 — J.C.C. pgs. 2642-44

To facilitate a "plat" it is necessary to vacate public streets and alleys in the area bounded by Conner, Anderdon, Kercheval and Mack Avenues; therefore be it

Resolved, All that part of the east-west public alley, 18 feet wide, and the north-south public alley, 18 feet wide, in the block bounded by Conner (proposed 109 feet wide), Anderdon and Kercheval Avenues, and Vernor Highway; said public (alley) rights-of-way lying within the bounds of a land parcel; being more particularly described as follows:

Land in the City of Detroit, County of Wayne, Michigan being part of Lot 490, parts of Lots 492 thru 507, all of Lots 463 thru 489, and the reversionary interest in the abutting east-west and north-south public alleys, (both) 18 feet wide, of "Daniel J. Campau's Subdivision of that part of Private Claims 315 and 322 between Kercheval Avenue and Charlevoix Street" as recorded in Liber 29, Page 44, Plats, Wayne County Records, more particularly described as: Beginning at the southeast corner of said Lot 479 of "Daniel J. Campau's Subdivision"; thence N.25°45'00"W., along the west line of Anderdon Avenue (60 feet wide), 681.01 feet; thence S.63°41'54"W., along the south line of E. Vernor Highway (60 feet wide), 213.00 feet; thence S. 25°45'00"E., along the proposed east line of Conner Avenue (109 feet wide), 682.47 feet; thence N. 63°18'25"E., along the north line of Kercheval Avenue (80 feet wide), 213.02 feet to the point of beginning, containing 145,200 square feet or 3.3334 acres more or less; also

All of the north-south public alley, 18 feet wide, in the block bounded by Conner (proposed 109 feet wide) and Anderdon Avenues, Vernor Highway, and Charlevoix Avenue; said public (alley) right-of-way lying within the bounds of a land parcel; being more particularly described as follows:

Land in the City of Detroit, County of Wayne, Michigan being parts of Lots 508 thru 533, all of Lots 437 thru 462, and the reversionary interest in the abutting north-south public alley, 18 feet wide, of "Daniel J. Campau's Subdivision of that part of Private Claims 315 and 322 between Kercheval Avenue and Charlevoix Street" as recorded in Liber 29, Page 44, Plats, Wayne County Records, more particularly described as: Beginning at the southeast corner of said Lot 462 of "Daniel J. Campau's Subdivision"; thence N.25°45'00"W., along the west line of Anderdon Avenue (60 feet wide), 929.50 feet; thence S.63°41'00"W., along the south line of Charlevoix Avenue (60 feet wide), 213.00 feet; thence S.25°45'00"E., along the proposed east line of Conner Avenue (109 feet wide), 929.44 feet; thence N.63°41'54"E., along the north line of Vernor Highway (60 feet wide), 213.00 feet to the point of beginning, containing 197,970 square feet or 4.5447 acres more or less; also

All of the north-south public alley, 18 feet wide, in the block bounded by Conner (proposed 109 feet wide), Anderdon, Charlevoix, and Goethe Avenues; said public (alley) right-of-way lying within the bounds of a land parcel; being more particularly described as follows:

Land in the City of Detroit, County of Wayne, Michigan being parts of lots 241 thru 264, all of Lots 217 thru 240, and the reversionary interest in the abutting north-south public alley, 18 feet wide, of "Daniel J. Campau's Subdivision of that part of Private Claims 315 and 322 between Charlevoix Avenue and Mack Avenue" as recorded in Liber 35, Page 20, Plats, Wayne County Records, more particularly described as: Beginning at the southeast corner of said Lot 240 of "Daniel J. Campau's Subdivision"; thence N.25°45'00"W., along the west line of Anderdon Avenue (60 feet wide), 851.57 feet; thence S. 63°41'00"W., along the south line of Goethe Avenue (60 feet wide), 213.00 feet; thence S.25°45'00"E., along the proposed east line of Conner Avenue (109 feet wide), 851.57 feet; thence N.63°41'00"E., along the north line of Charlevoix Avenue (60 feet wide), 213.00 feet to the point of beginning, containing 181,380 square feet or 4.1638 acres more or less; also

All of the east-west public alley, 20 feet wide, in the block bounded by Conner, Anderdon, Goethe and Signet Avenues; said public alley having been deeded to the City of Detroit for public alley purposes in the City Council resolution adopted on January 15, 1957 — J.C.C. pages 58-59; said public alley having been platted as the north 20.00 feet of Lot 291 of "Daniel J. Campau's Subdivision of that part of Private Claims 315 and 322 between Charlevoix Avenue and Mack Avenue" as recorded in Liber 35, Page 20, Plats, Wayne County Records; also

All of the remaining part of the north-south public alley, 18 feet wide, in the block bounded by Conner (proposed 109 feet wide), Anderdon (60 and 90 feet wide), Goethe and Signet Avenues; said public (alley) right-of-way lying within the bounds of a land parcel being more particularly described as follows:

Land in the City of Detroit, County of Wayne, Michigan being part of Goethe Avenue, 60 feet wide, between Conner (proposed 109 feet wide) and Anderdon Avenues; also being parts of Lots 265 thru 293, all of Lots 294 thru 322, and the

reversionary interest in the abutting north-south public alley (18 feet wide), and the interest in the abutting east-west public alley (20 feet wide; having been platted as part of the north 20.00 feet of Lot 291), and the reversionary interest in the vacated north-south public alley (18 feet wide; having been previously vacated by City Council resolution adopted on January 15, 1957 — J.C.C. pages 58-59) of "Daniel J. Campau's Subdivision of that part of Private Claims 315 and 322 between Charlevoix Avenue and Mack Avenue" as recorded in Liber 35, Page 20, Plats, Wayne County Records; also being part of Private Claim 322, South of Signet Avenue between Conner and Anderdon Avenues; also being part of Lots 1 thru 10 of the "Assessor's Plat of Hendrie's Private Plat of Conner and Mack Avenues Subdivision of part of Private Claim 322" as recorded in Liber 65, Page 75, Plats, Wayne County Records; also being part of Signet Avenue, 66 feet wide, between Conner (proposed 109 feet wide) and Anderdon Avenues, also being part of Anderdon Avenue, 90 feet wide, south of Mack Avenue, more particularly described as: Beginning at the northeast corner of Lot 217 of "Daniel J. Campau's Subdivision"; thence N.25°45'00"W., along the extended west line of Anderdon Avenue (60 feet wide), 1252.18 feet; thence S. 86°01'47"W., along the south line of so-called relocated Mack Avenue (109 feet wide), 192.45 feet to a point of curve; thence 48.77 feet along the arc of a curve concave to the southeast with a radius of 25.00 feet, a delta of 111°46'21" and a long chord of 41.40 feet which bears S.30°08'11"W., to a point of tangency; thence S.25°45'00"E., along the proposed east line of Conner Avenue (109 feet wide), 1302.47 feet; thence N.63°41'00"E., along the south line of Goethe Avenue (60 feet wide), 213.00 feet to the point of beginning, containing 275,670 square feet or 6.3286 acres more or less; also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Conner (proposed 109 feet wide), Anderdon, so-called relocated Mack Avenue (109 feet wide), and platted Mack Avenue (124 feet wide); said public (alley) right-of-way lying within the bounds of a land parcel; being more particularly described as follows:

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Land in the City of Detroit, County of Wayne, Michigan being part of Lots 13 thru 18, part of Lots 31 thru 33, all of Lots 29 and 30, and the reversionary interest in the abutting north-south public alley, 18 feet wide, of the "Assessor's Plat of Hendrie's Private Plat of Conner and Mack Avenues Subdivision of part of Private Claim 322" as recorded in Liber 65, Page 75, Plats, Wayne County Records,

more particularly described as: Beginning at the point of intersection of the south line of platted Mack Avenue (124 feet wide) and the west line of Anderdon Avenue (60 feet wide); thence N.74°32'05"W., along the south line of platted Mack Avenue (124 feet wide), 266.60 feet; thence S.64°13'06"W., 12.44 feet; thence S.25°45'00"E., along the proposed east line of Conner Avenue (109 feet wide), 116.25 feet; thence N.86°01'47"E., along the north line of so-called relocated Mack Avenue (109 feet wide), 229.36 feet; thence N.25°45'00"W., along the west line of Anderdon Avenue (60 feet wide), 25.69 feet to the point of beginning, containing 16,210 square feet or 0.3721 acres more or less;

Be and the same are hereby vacated as public (alley) rights-of-way to become part and parcel of the abutting property; subject to relocation of public sewers within the 20.00 feet wide private easement for public utilities are created and delineated on the proposed Jefferson-Conner Industrial Subdivision No. 1; also subject to a 20.00 feet wide private easement for berm and sound barrier wall as created and delineated on the proposed Jefferson-Conner Industrial Subdivision No. 1; and be it further

Resolved, All that part of Signet Avenue, 66 feet wide, lying between and abutting the proposed east line of Conner Avenue (109 feet wide) and the west line of Anderdon Avenue (90 feet wide); also

All that part of the westerly 15.00 feet of Anderdon Avenue, 90 feet wide, lying south of and abutting the south line of so-called relocated Mack Avenue (109 feet wide); also

All that part of Goethe Avenue, 60 feet wide, lying between and abutting the proposed east line of Conner Avenue (109 feet wide) and the west line of Anderdon Avenue (60 feet wide); said public (street) rights-of-way lying within the bounds of a land parcel; being more particularly described as follows:

Land in the City of Detroit, County of Wayne, Michigan being part of Goethe Avenue, 60 feet wide, between Conner (proposed 109 feet wide) and Anderdon Avenues; also being parts of Lots 265 thru 293, all of Lots 294 thru 322, and the reversionary interest in the abutting north-south public alley (18 feet wide), and the interest in the abutting east-west public alley (20 feet wide; having been platted as part of the north 20.00 feet of Lot 291), and the reversionary interest in the vacated north-south public alley (18 feet wide; having been previously vacated by City Council resolution adopted on January 15, 1957 — J.C.C. pages 58-59) of "Daniel J. Campau's Subdivision of that part of Private Claims

315 and 322 between Charlevoix Avenue and Mack Avenue" as recorded in Liber 35, Page 20, Plats, Wayne County Records; also being part of Private Claim 322, South of Signet Avenue between Conner and Anderdon Avenues; also being part of Lots 1 thru 10 of the "Assessor's Plat of Hendrie's Private Plat of Conner and Mack Avenues Subdivision of part of Private Claim 322" as recorded in Liber 65, Page 75, Plats, Wayne County Records; also being part of Signet Avenue, 66 feet wide, between Conner (proposed 109 feet wide) and Anderdon Avenues; also being part of Anderdon Avenue, 90 feet wide, south of Mack Avenue, more particularly described as: Beginning at the northeast corner of Lot 217 of "Daniel J. Campau's Subdivision"; thence N. 25°45'00"W., along the extended west line of Anderdon Avenue (60 feet wide), 1252.18 feet; thence S.86°01'47"W., along the south line of so-called relocated Mack Avenue (109 feet wide), 192.45 feet to a point of curve; thence 48.77 feet along the arc of a curve concave to the southeast with a radius of 25.00 feet, a delta of 111°46'21" and a long chord of 41.40 feet which bears S.30°08'11"W., to a point of tangency; thence S.25°45'00"E., along the proposed east line of Conner Avenue (109 feet wide), 1302.47 feet; thence N.63°41'00"E., along the south line of Goethe Avenue (60 feet wide), 213.00 feet to the point of beginning, containing 275,670 square feet or 6.3286 acres more or less; also

Be and the same are hereby vacated as public streets and are hereby converted into a public underground easement of the full width of the streets, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said streets and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public streets herein above described for the purposes of maintaining, installing, repairing, removing, or replacing underground public utilities such as water mains, sewers, gas lines or mains, telephone cable, electric light conduits or things usually placed or installed underground in a public street in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth.

Second, said utility easement or right-of-way in and over said vacated streets herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized

by them, for the purpose of the inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone cable or any utility facility placed or installed underground in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, (except necessary line fence) shall be built or placed upon said underground easement, nor change of surface grade made, without prior approval of the City Engineering Department.

Fourth, that if the owners of any lots abutting on said vacated streets shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3. Mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and be it further

Resolved, Pursuant to the Court ruling in Center Line v. Michigan Bell Telephone Co. 26 Mich. App 659 (1970), aff. 387 Mich. 260 (1972), the Community and Economic Development Department is hereby authorized to process billings from utility companies and others for the relocation of their equipment in connection with this urban renewal project. However, prior to the processing of bills, the Community and Economic Development Department shall consult with the Law Department to determine which utility removal and/or relocation costs incidental to this urban renewal project are obligatory under current Michigan court rulings; and be it further

Resolved, This resolution is to be effective upon recording of the plat.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Scott, Tinsley-Williams, and President Mahaffey — 8.
Nays — None.

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"NO DRAWING"
CARTO 63 C.E.D.