

**City Engineering Department**  
April 19, 1994

Honorable City Council:

Re: Petition No. 2604. American Red Cross — SE Michigan Headquarters National Testing Laboratory, Street to Easement, Alley to Vacation and Easement, in the area bounded by Woodward, John R., Erskine and Eliot.

Petition No. 2604 of the "American Red Cross" requests the conversion of a portion of Eliot Street, 60 feet wide, between Woodward Avenue and John R. Street into an easement for public utilities. Also, the conversion of a westerly part of the east-west public alley, 20 feet wide, in the block bounded by Woodward Avenue, John R., Erskine and Eliot Streets into an easement for public utilities; also the outright vacation of an easterly part of said east-west public alley, 20 feet wide.

The Red Cross is consolidating testing from laboratories in 46 regions to 10 centralized national testing laboratories. The laboratories in Detroit and Philadelphia will be the largest of 10 and will test about one million blood samples per year. The Red Cross projects that the new Detroit lab will add 50 new jobs in the city.

The petition was referred to the City Engineering Department by the Community and Economic Development Department for investigation (utility clearances) and report. This is our report:

The public street and alley closings have been approved by the Department of Public Works — Traffic Engineering Division.

Wayne State University, owner of the Bonstelle Theatre, has written a letter in support of the Red Cross expansion plans. The petitioner has submitted a development agreement between Red Cross and the Prismatic Club of Detroit, 80 Eliot Street.

The petitioner has deposited \$8,000.00 with the Public Lighting Department for the estimated expense to remove two underground fed street lights (now located within the to be vacated part of Eliot Street, 60 feet wide); also to relocate one lighting unit outside of the commercial driveway turning radius (from John R. Street) into the Red Cross development site.

Satisfactory arrangements have been made with the Ameritech/Michigan Bell Telephone Company, Detroit Edison Company, Fire Marshal, Michigan Consolidated Gas Company, Public Lighting Department, and the Water and Sewerage Department. 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 Everett:

Resolved, All that part of the east-west public alley, 20 feet wide, in the block bounded by Woodward Avenue, John R., Erskine and Eliot Streets lying southerly of and abutting the south line of Lots 18 thru 20, Block 10; also lying northerly of and abutting the north line of the east-west public alley, 10 feet of Lot 3, Lots 1 and 2, Block 10, of the "Brush Subdivision of part of Park Lots 17, 18, 19, 20 and 21 and part of Brush Farm adjoining", City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 12, Plats, Wayne County Records;

Be and the same is hereby vacated as a public (alley) right-of-way to become part and parcel of the abutting property; subject to the following provisions:

Provided, That before any construction shall be permitted within the vacated (outright) public alley, mentioned above, the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. All costs for plan review associated with the relocation of sewers and/or other construction that may be required by DWSD (designed to prevent damages and maintain public sewer services), including but not limited to inspection, survey, engineering, and permits shall be paid by the "American Red Cross" and/or their contractors; and further

Provided, That the petitioner shall grant the Water and Sewerage Department through the Board of Water Commissioners (for and on behalf of the City of Detroit) a satisfactory easement for the relocated public sewer(s) across property owned by the "American Red Cross". After said easement has been reviewed and accepted by the Board of Water Commissioners, then said grant of sewer easement shall be conveyed by a properly executed document, containing a legal description suitable for recording. Additionally, the Water and Sewerage Department shall record said executed document in the Wayne County Register of Deeds; and further

Provided, That upon satisfactory completion of the construction of said relocated public sewer(s), the sewer(s) shall become property of the City of Detroit and part of the public sewer system; and be it further

Resolved, All that part of Eliot Street, 60 feet wide, between Woodward Avenue and John R. Street lying southerly of and abutting the south line of Lots 1 thru 7, Block 13; also lying northerly of and abutting the north line of Lots 14 thru 20, Block 10, of the "Brush Subdivision of part of Park Lots 17, 18, 19, 20 and 21 and part of Brush Farm adjoining", City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 12, Plats, Wayne County Records; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Woodward Avenue, John R., Erskine and Eliot Streets lying southerly of and abutting the south line of Lots 14 thru 17, Block 10; also lying northerly of and abutting the north line of the west 16.90 feet of Lot 3, and Lots 4 thru 7, Block 10, of the "Brush Subdivision of part of Park Lots 17, 18, 19, 20 and 21 and part of Brush Farm adjoining", City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 12, Plats, Wayne County Records;

Be and the same are hereby vacated as a public street and alley and are hereby converted into a public easement of the full width of the street and alley, 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 street and alley and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public street and alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public street or alley 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 street and alley 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 inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed 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 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 street and alley 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 further

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Provided, That nothing in this resolution shall be construed as giving any authority, permission or grant to "Red Cross" or their contractors for any part of the American Red Cross — National Testing Laboratory development project to be placed upon the surface, underground, or air rights of privately-owned property. The "Red Cross" and/or their contractors shall obtain any written permission necessary to construct, stage, barricade, or occupy space within privately-owned properties, such as the "Prismatic Club of Detroit" (address: 80 Eliot Street, Detroit, Michigan 48201). The "Red Cross" shall be solely responsible for proper connection of the public sewer service line to the "Prismatic Club". Further, the "Red Cross" and/or their contractors shall be liable for damages (caused or alleged to be caused by "Red Cross" facility expansion-construction) to the existing public utility service connections to the "Prismatic Club." Additionally, when it becomes necessary to modify any utility service connections (now existing from overhead wires attached to utility poles) for underground burial and placement in ducts, the contractors for the "Red Cross" shall take precautions to prevent utility service

disruptions to the "Prismatic Club", by way of illustration but not limitation, such as telephone, cable television, electric lighting, and electric power services: said "Prismatic Club" property described as follows: being all of Lot 17, together with the reversionary interest in the south half of said Eliot Street (60 feet wide) and the north half of said east-west public alley (20 feet wide), Block 10, of the "Brush Subdivision of part of Park Lots 17, 18, 19, 20 and 21 and part of Brush Farm adjoining", City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 12, Plats, Wayne County Records; and further

Provided, The removal or alteration of the public street return entrances (into John R. Street, or the remaining part of Eliot Street; including public sidewalks, curbs, commercial driveways, and any necessary drainage alterations) shall be subject to the specifications, inspection, and permits of the City Engineering Department; and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and be it further

Resolved, The Public Lighting Department is hereby authorized and directed to remove two underground fed street lights (now located within the herein above described vacated part of Eliot Street, 60 feet wide); also to relocate one lighting unit outside of the commercial driveway turning radius (from John R. Street) into the Red Cross development site.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

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