

Department of Public Works
City Engineering Division
October 18, 1995

Honorable City Council:
Petition No. 1351, Fitzgerald
Finishing Company Street to
Vacation and Easement Brimson,
east of Filer.

Petition No. 1351 "Fitzgerald Finishing
Company" requests the (outright) vaca-
tion of the northern 35.00 feet of Brimson
Avenue, 70 feet wide, east of Filer
Avenue; also the conversion of the south-
ern 35.00 feet of Brimson Avenue, 70 feet
wide, east of Filer Avenue into a private
easement for public utilities.

The requests were approved by the
Planning and Development Department,
and Traffic Engineering Division — DPW.
The petition was referred to the City
Engineering Division — DPW for investi-
gation (utility review) and report. This is
our report:

The Amoritech/Michigan Bell
Telephone Company, Detroit Edison
Company, and the Public Lighting
Department have overhead facilities in the
street right-of-way. Satisfactory arrange-
ments (to relocate poles and overhead
wires from the northern half to the south-
ern half of Brimson Avenue) are com-
plete.

The petitioner has paid the following
city reimbursement costs:

Public Lighting Department —
Accounting: \$8,000 — Receipt No. A-
546941; The estimated cost of relocating
two wood utility poles with one public
street lighting unit from the northeast cor-
ner of Filer and Brimson was \$8,000.00.

All other city departments and privately
owned utility companies have reported no
objections to the requested (outright)
vacation. Provisions to protect utilities (in
the southern half of Brimson Avenue) are
part of the vacating resolution.

The abutting business owners plan to
use the paved public street return into
Filer Avenue; and requests such remain in
its present status. The abutting business
owners will pay all expenses to remove
the paved public street return whenever
discontinuance of use makes removal
necessary; subject to city specifications,
permits and inspection.

I am recommending adoption of the
attached resolution.

Respectfully submitted,
SUNDAY JAYESIMI
City Engineer

By Council Member Hood:

Resolved, All that part of the northern
35.00 feet of Brimson Avenue, 70 feet
wide, east of Filer Avenue lying southerly
of and abutting the south line of Lot 14 of
"Masl's Subdivision of Block 28 and part
of Block 27 of the original town plat of
Norris (North Detroit), Hamtramck
Township, Wayne County, Michigan," City

of Detroit, Wayne County, Michigan as
recorded in Liber 34, Page 83, Plats,
Wayne County Records;

Be and the same is hereby (outright)
vacated as part of a public street to
become part and parcel of the abutting
property; subject to the following provi-
sion:

Provided, That if it becomes necessary
to remove the paved street return at the
entrance (into Filer Avenue), such
removal and construction of new curb and
sidewalk shall be done under city permit
and inspection according to City
Engineering Division — DPW specifica-
tions with all costs borne by the abutting
owners, their heirs or assigns; and be it
further

Resolved, All that part of the southern
35.00 feet of Brimson Avenue, 70 feet
wide, east of Filer Avenue lying northerly
of and abutting the north line of Lot 15 of
"Masl's Subdivision of Block 28 and part
of Block 27 of the original town plat of
Norris (North Detroit), Hamtramck
Township, Wayne County, Michigan," City
of Detroit, Wayne County, Michigan as
recorded in Liber 34, Page 83, Plats,
Wayne County Records;

Be and the same is hereby vacated as
a public street and is hereby converted
into a private easement for public utilities
of the full width (of the above described
southern 35.00 feet) of the street, which
easement shall be subject to the following
covenants and agreements, uses, reser-
vations and regulations, which shall be
observed by the owners of the lots abut-
ting on said street 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
street herein above described for the pur-
poses 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 in the City of Detroit, with
the right to ingress and egress at any time
to and over said easement for the pur-
pose above set forth.

Second, said utility easement or right-
of-way in and over said vacated street
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 adjoin-

ing 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 condi-
tion.

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; said
fence and gate installations shall be sub-
ject to the review and approval of the Fire
Marshal and Buildings and Safety
Engineering Department, if necessary)
shall be built or placed upon said ease-
ment, nor change of surface grade made,
without prior approval of the City
Engineering Division — DPW.

Fourth, that if the owners of any lots
abutting on said vacated street 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 con-
struction 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

Provided, That if it becomes necessary
to remove the paved street return at the
entrance (into Filer Avenue), such
removal and construction of new curb and
sidewalk shall be done under city permit
and inspection according to City
Engineering Division — DPW specifica-
tions with all costs borne by the abutting
owners, their heirs or assigns; and further
Provided, That the City Clerk shall with-
in 30 days record a certified copy of this
resolution with the Wayne County
Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland,
Cockrell, Everett, Hood, Ravitz, Scott,
Tinsley-Williams, and President Mahaffey
— 8.

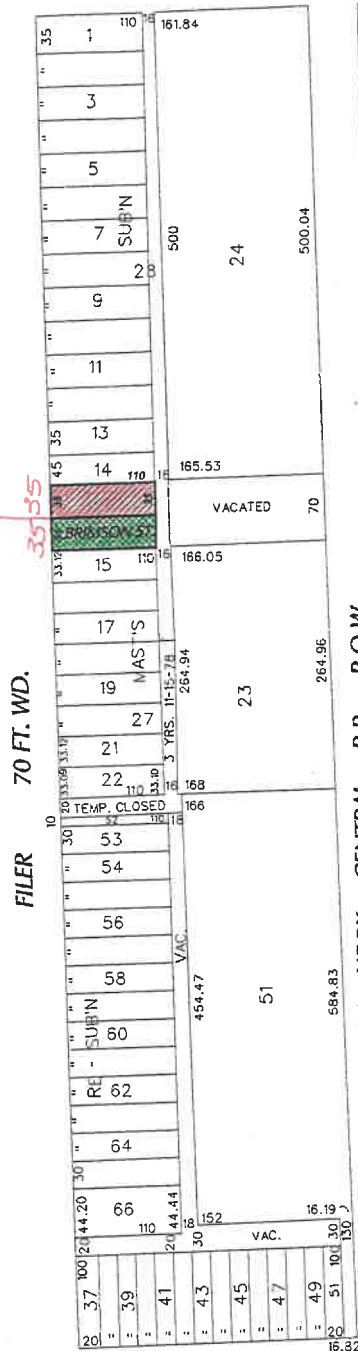
Nays — None.

PETITION NO. 1351
 FITZGERALD FINISHING CO.
 17450 FILER DET. MI. 48212-1908
 C/O SHARON ZATKOFF
 (313)368-3630
 FAX: (313)368-6210

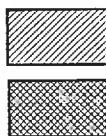
REVISION !!!



E. DAVISON 70 FT. WD.



E. McNICHOLS 70 FT. WD.



REQUESTED OUT-RIGHT VACATION

REQUESTED CONVERSION TO EASEMENT

* MAST'S SUBDIVISION

FOR OFFICE USE ONLY

DONE

CARTO. NO. 53D
 SCALE: 1 IN = 160 FT.

B									CITY OF DETROIT CITY ENGINEERING DIVISION DEPARTMENT OF PUBLIC WORKS SURVEY BUREAU			
A	EASEMENT	JDF			8/95	REQUESTED OUT-RIGHT VACATION OF THE N. 35 FT. OF BRIMSON ST. 70 FT. WD. BTWN FILER & RAILROAD R.O.W. 34				JOB NO. 01-01		
DESCRIPTION		DRWN	CHKD	APPD	DATE					DRWG. NO. X1351.DGN		
DRAWN BY		CHECKED										
DATE		APPROVED										
7/14/95												

October 25, 1995 J.C.C. App 2718-19