

7/14/96  
Department of Public Works  
City Engineering Division

April 10, 1996

Honorable City Council:

Re: Petition No. 1084. Recreation Department Street to Easement part of Antwerp between Suzanne and Bliss adjoining Lipke Playfield.

Petition No. 1084 of the "Recreation Department" requests the conversion of part of Antwerp Avenue, 60 feet wide, between Suzanne and Bliss Avenues [adjoining Lipke Playfield] into a private easement for public utilities. A strip of public park property, 60 feet wide, was dedicated for public street purposes by City Council on September 28, 1948 [J.C.C. pages 2575-76].

The requested conversion was approved by the Planning and Development Department, Solid Waste Division — DPW, and Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

City departments and privately-owned utility companies have reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAYESIMI

City Engineering

By Council Member Scott:

Resolved, All that part of Antwerp Avenue, 60 feet wide, between Suzanne and Bliss Avenues [adjoining Lipke Playfield] lying southerly of and abutting the easterly extension of the centerline of the vacated east-west public alley (18 feet wide; having been previously vacated by City Council on June 20, 1950 — J.C.C. page 1777; in the block bounded by Lipke Playfield, Bliss, Kempa and Antwerp Avenues); also lying northerly of and abutting the easterly extension of the centerline of the vacated east-west public alley (18 feet wide; having been previously vacated by City Council on November 25, 1952 — J.C.C. pages 2623-24; in the block bounded by Suzanne Avenue, Lipke Playfield, Kempa and Antwerp Avenues); said part of Antwerp Avenue, 60 feet wide, being a strip of public park property having been dedicated for public street purposes by City Council on September 28, 1948 [J.C.C. pages 2575-76];

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 street, 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 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 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 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 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 owner 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 subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement, 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.

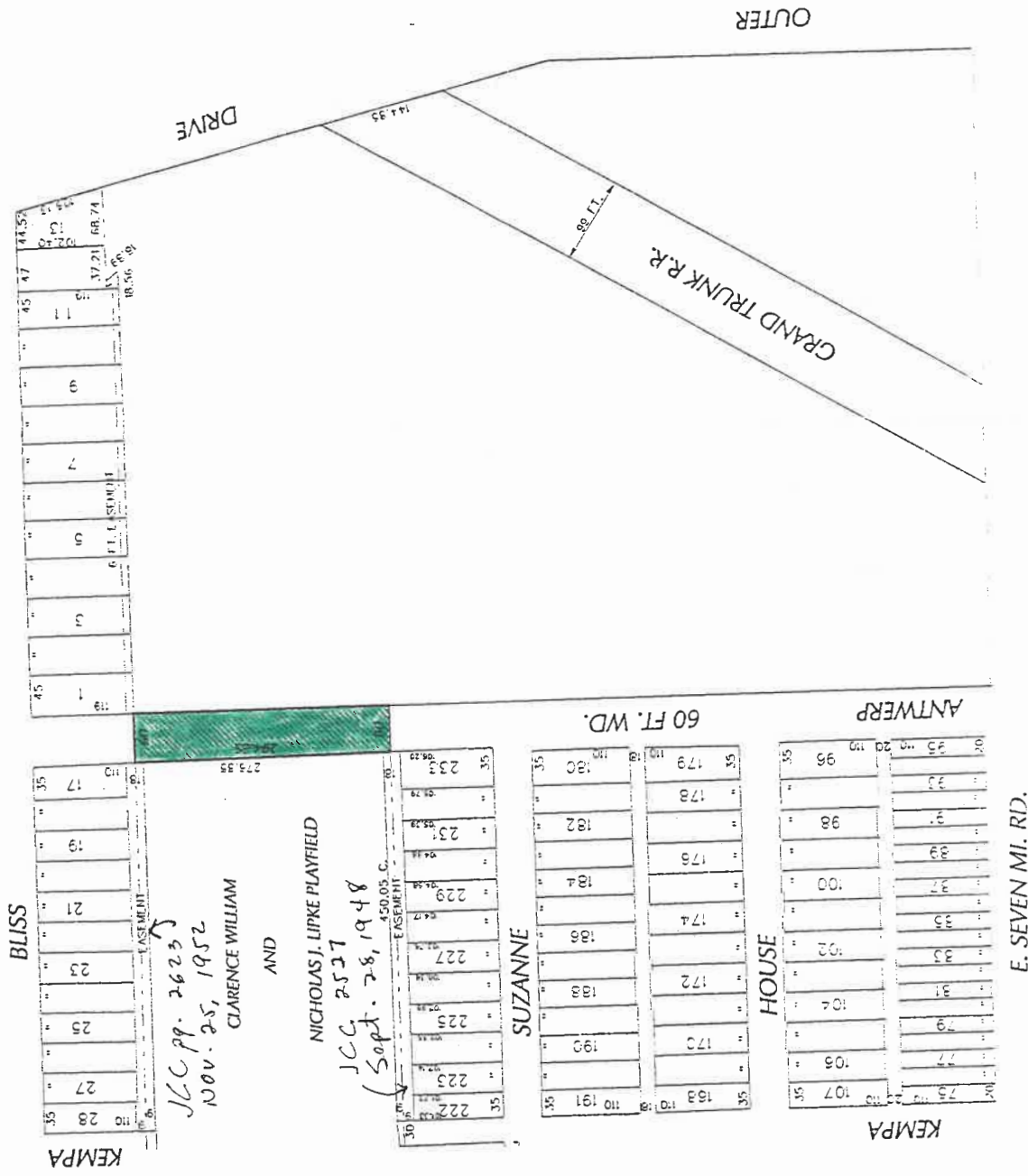
Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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

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

Adopted as follows:

Yeas — Council Members Cockrel, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 7.

Nays — None.



REQUESTED CONVERSION TO EASEMENT

SW/SEC. 3

DESCRIPTION	DRAWN	CHECKED	DATE
JAMES FOSTER			
DATE	5/26/95		

REQUESTED CONVERSION TO EASEMENT OF A PORTION OF ANTIWERP AVE. 60 FT. WD.  
 ABUTTING LIPKE PLAYFIELD, IN THE AREA BOUNDED BY SUZANNE, BLISS, E. OUTER DRIVE AND LIPKE PLAYFIELD.

FOR OFFICE USE

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU
JOB NO. 01-01
DRAWN NO. X1084.DGN

CARTO. NO. 93-D  
 SCALE: 1"=200'

April 24, 1996  
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93-D