

Department of Public Works
City Engineering Division
April 23, 1996

Honorable City Council:

Re: Petition No. 1664 Planning and Development Department Riverbend Plaza — Phase Two, Street and Alley Vacations in the area bounded by Coplin, Piper, Freud and E. Jefferson Petition No. 1664 of the "Planning and Development Department" requests the vacation of certain public rights-of-way in the area bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues; listed as follows:

(1) Conversion of a northerly part of Coplin Avenue, 60 feet wide, south of E. Jefferson Avenue [excepting the outright vacation of a 17.00 feet by 100.00 feet portion; proposed retail building space that will extend into an eastern part of Coplin Avenue] into a private easement for public utilities; also

(2) Conversion of the east-west public alley, 18 feet wide, in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues into a private easement for public utilities; also

(3) Outright vacation of a northerly part of the westerly 16.00 feet of Piper Boulevard (80 feet wide) south of E. Jefferson Avenue [excepting therefrom certain portions retained as private easements for various utility services]; also

(4) Outright vacation of a northerly part of the north-south public alley, 18 feet wide, in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues [excepting therefrom a 22.00 feet by 18.00 feet portion; retained as a private easement for a relocated sewer];

The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

The street and alley vacations were approved [reply received on April 11, 1996] by the Water and Sewerage Department (DWS); subject to certain provisions and requirements for water mains and/or public sewers.

The public street closings were approved by the Traffic Engineering Division — DPW and Fire Department; subject to an "easement agreement" or "grant of temporary public roadway access" over the southerly 22.00 feet of the city land transfer parcel known as 'Riverbend Plaza Development Project — Phase Two.' The "easement agreement" or "grant of temporary public roadway access" over privately-owned land will expire when the city acquires all rights and interests in the remaining residential dwellings in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues. An affidavit from the developer [dated March 18, 1996] is attached to this report. To protect the rights and interests of residents in the block, it is necessary to authorize the Planning and Development Department to execute an agreement (for and on behalf of the City of Detroit).

Whenever discontinuance of use makes removal of all or part(s) of the Coplin and/or Piper street returns into E. Jefferson Avenue necessary, the owners of Riverbend Properties II, L.L.C., shall pay all incidental removal or alteration costs. The owners of Riverbend Properties II, L.L.C., shall apply to the City Engineering Division — DPW for construction permits to work within the remaining public parts of Coplin, Piper, and/or E. Jefferson.

Alignment of the public sidewalk will curve around the proposed retail building within the remaining part of Piper. In this instance the realignment is subject to the review and approval of the Recreation Department for plant materials; also subject to the specifications, permits and inspection of the Department of Public Works.

City departments and privately-owned utility companies have billing procedures for utility adjustment costs. The Planning and Development Department in conjunction with the Law Department will process project billings.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

By Council Member Cockrel:

Resolved, All that part of Coplin Avenue (60 feet wide) between Freud and E. Jefferson Avenues; being described as follows: The easterly 17.00 feet of said Coplin Avenue lying westerly of and abutting the west line of the southern 28.00 feet of Lot 11, the northern 12.00 feet of

Lot 14, Lots 12 and 13 of "Block D, Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

All that part of Piper Boulevard (80 feet wide) between Freud and E. Jefferson Avenues; being described as follows: The westerly 16.00 feet of said Piper Boulevard lying easterly of and abutting the east line of Lots 157 thru 161 of "Block D, Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

Do and the same are hereby vacated (outright) as parts of public streets to become part and parcel of the abutting property; and be it further

Resolved, All that part of Piper Boulevard (80 feet wide) between Freud and E. Jefferson Avenues; being described as follows: The westerly 16.00 feet of said Piper Boulevard lying easterly of and abutting the east line of Lot 7 of "Block D, Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; [The eastern 10.00 of the westerly 16.00 feet of said part of Piper Boulevard is excepted therefrom, and reserved as an easement for the Water and Sewerage Department; subject to certain provisions and requirements for water mains and/or public sewers;] also

All that part of Piper Boulevard (80 feet wide) between Freud and E. Jefferson Avenues; being described as follows: The westerly 16.00 feet of said Piper Boulevard lying easterly of and abutting the east line of Lot 162 of "Block D, Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; [The eastern 10.00 of the westerly 16.00 feet of said part of Piper Boulevard is excepted therefrom, and reserved as an easement for the Water and Sewerage Department; subject to certain provisions and requirements for water mains and/or public sewers;] also

All that part of Piper Boulevard (80 feet wide) between Freud and E. Jefferson Avenues; being described as follows: The westerly 16.00 feet of said Piper Boulevard lying easterly of and abutting the east line of the northern 8.00 feet of Lot 154, Lots 155 and 156 of "Block D, Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; [The eastern

10.00 of the westerly 16.00 feet of said part of Piper Boulevard is excepted therefrom, and reserved as an easement for the Water and Sewerage Department; subject to certain provisions and requirements for water mains and/or public sewers;] also

All that part of Piper Boulevard (80 feet wide) between Freud and E. Jefferson Avenues; being described as follows: The westerly 16.00 feet of said Piper Boulevard lying easterly of and abutting the east line of the southern 22.00 feet of Lot 154 of "Block D, Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; [The southern 22.00 feet of the westerly 16.00 feet of said part of Piper Boulevard being subject to an "easement agreement" or "grant of temporary public roadway access" over the city land transfer parcel known as Riverbend Plaza Development Project — Phase Two. The "easement agreement" or "grant of temporary public roadway access" over privately-owned land will expire when the city acquires all rights and interests in the remaining residential dwellings in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues. Also, the southern 22.00 feet of the westerly 16.00 feet of said part of Piper Boulevard is excepted therefrom, and reserved as an easement for the Water and Sewerage Department; subject to certain provisions and requirements for water mains and/or public sewers;] also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues lying westerly of and abutting the west line of Lots 154 thru 162; also lying easterly of and abutting the east line of Lots 8 thru 17 of "Block D, Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; [The southern 22.00 feet of said part of public alley, 18 feet wide, being subject to an "easement agreement" or "grant of temporary public roadway access" over the city land transfer parcel known as "Riverbend Plaza Development Project — Phase Two." The "easement agreement" or "grant of temporary public roadway access" over privately-owned land will expire when the city acquires all rights and interests in the remaining residential dwellings in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues. Also, the southern 22.00 feet of said part of public alley, 18 feet wide, is excepted therefrom, and reserved as an easement for the Water and Sewerage Department; subject to certain provisions

and requirements for water mains and/or public sewers;] also

Do and the same are hereby vacated (outright) as parts of a public street and alley to become part and parcel of the abutting property, subject to certain provisions and requirements for water mains and/or public sewers; and be it further

Resolved, All that part of Coplin Avenue (60 feet wide) between Freud and E. Jefferson Avenues [excepting therefrom the outright vacation of a 17.00 feet by 100.00 feet portion, described above in paragraph "one" of this resolution; proposed retail building space that will extend into an eastern part of Coplin Avenue] lying westerly of and abutting the west line of Lot 1 (Block D); also lying westerly of and abutting the west line of the east-west public alley 18 feet wide; in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues; also lying westerly of and abutting the west line of Lots 8 thru 17 (Block D); also lying easterly of and abutting the east line of Lot 7 (Block C); also lying easterly of and abutting the east line of the vacated east-west public alley 18 feet wide; in the block bounded by Drexel, Coplin, Freud and E. Jefferson Avenues; said public alley having been previously vacated by City Council on November 12, 1992 — J.C.C. pages 2403-04; also lying easterly of and abutting the east line of Lots 156 thru 166 (Block C) of "Blocks C and D, Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; [The southern 22.00 feet of said part of public street, 60 feet wide, being subject to an "easement agreement" or "grant of temporary public roadway access" over the city land transfer parcel known as "Riverbend Plaza Development Project — Phase Two." The "easement agreement" or "grant of temporary public roadway access" over privately-owned land will expire when the city acquires all rights and interests in the remaining residential dwellings in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues;] also

All that part of westerly 16.00 feet [by 18.00 feet] of Piper Boulevard (80 feet wide) lying easterly of and abutting the east line of the east-west public alley 18 feet wide; in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues of "Block D, Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

All of the east-west public alley, 18 feet wide, in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E.

Jefferson Avenues lying southerly of and abutting the south line of Lots 1 thru 7; also lying northerly of and abutting the north line of Lot 8; also lying northerly of and abutting the north line of the north-south public alley 18 feet wide; in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues; also lying northerly of and abutting the north line of Lot 162 of "Block D, Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records;

Do and the same are hereby vacated as public streets and alley and are hereby converted into a private underground easement for public utilities of the described width of the streets, and the full width of the 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 streets 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 an easement or right-of-way over said vacated public streets 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 things usually placed or installed underground 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 streets 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 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, retaining or partition walls, (except parking lot pavement) subject to city approval of building permit plans) and necessary line fence; said fence and gate installations shall be subject to the review and approval of the Planning & Development Department, Buildings and Safety Engineering Department, Water and Sewerage Department, and Fire Marshal) shall be built or placed upon said underground 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 streets 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

Provided, That whenever it becomes necessary to remove the paved street returns of all or part(s) of Coplin Avenue and/or Piper Boulevard (into E. Jefferson Avenue), such removal and construction of new curb and sidewalk shall be done under city permits and inspection according to City Engineering Division — DPW specifications with all costs borne by the owners of Riverbend Properties II, L.L.C. Also, the owners of Riverbend Properties II, L.L.C., shall apply to the City Engineering Division — DPW for construction permits to work within the remaining public parts of Coplin, Piper, and/or E. Jefferson; and further

Provided, That whenever the public sidewalk is curved around the proposed retail building, creating a new berm area within the remaining part of Piper Boulevard, the Recreation Department shall review and approve "plant materials" in the berm space [meaning the space between the lot line of the property and the street curb line]; also the location and construction of said realigned public sidewalk shall be subject to the review, approval, specifications, permits and inspection of the Department of Public Works; and be it further

Resolved, Prior to the processing of bills from utility companies and others for relocation of their equipment in connection with this Project, the Planning and Development Department shall consult with the Law Department to determine which utility removal and/or relocation

costs incidental to the Project are properly payable under current law. The Planning and Development Department is hereby authorized to process only such billings as approved by the Law Department; and be it further

Resolved, To protect the rights and interests of residents in the block, the Planning and Development Department is hereby authorized and directed to execute (for and on behalf of the City of Detroit) an "easement agreement" or "grant of temporary public roadway access" over the southerly 22.00 feet of the city land transfer parcel known as "Riverbend Plaza Development Project — Phase Two." The "easement agreement" over privately-owned land shall remain open and unimpeded for safe public travel. The owners of land shall maintain insurance coverage in a sufficient amount to indemnify the city and pay all claims, damages, and expenses that may arise within the boundary of said "easement agreement". The owners of land shall pay all expenses to maintain said "grant of temporary public roadway access" safe and convenient for public travel. The "easement agreement" or "grant of temporary public roadway access" over privately-owned land will expire when the city acquires all rights and interests in the remaining residential dwellings in the block bounded by Coplin Avenue, Piper Boulevard, Freud and E. Jefferson Avenues. [NOTE: The city received an affidavit from the developer (dated March 18, 1996) to affirm that "Riverbend Properties II, L.L.C." will draft the agreement.] The "easement agreement" or "grant of temporary public roadway access" over privately-owned land shall be reviewed and approved by the City Engineering Division — DPW as to legal description; also by the Law Department as to form and execution; after which said document shall be considered confirmed; and further

Provided, That a certified copy of this resolution and the executed document referenced above as an "easement agreement" or "grant of temporary public roadway access" [over the southerly 22.00 feet of the city land transfer parcel known as "Riverbend Plaza Development Project — Phase Two"] shall be recorded by the Planning and Development Department with the Wayne County Register of Deeds; and be it further

Resolved, That in order to protect the Detroit Water and Sewerage Department's (DWSD) interests in existing water mains and sewers, the following provisions are included as part of this resolution vacating public rights-of-way:

Provided, That before any construction shall be permitted within the vacated (out-right) parts of public streets and alley, mentioned above, Riverbend Properties II, L.L.C., 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 protection of sewers and/or other construction that may be required by DWSD (designed to prevent damages and maintain public sewer(s), water main(s), and fire hydrant(s)), including but not limited to inspection and permits, shall be paid by Riverbend Properties II, L.L.C. and/or their contractors; and further

Provided, That the "Riverbend Properties II, L.L.C." 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 rerouted water main(s) across property owned by the petitioner. After said easement has been reviewed and accepted by the Board of Water Commissioners (for and on behalf of the City of Detroit), then said grant of water main(s) 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 rerouted water main(s), the water main(s) shall become property of the City of Detroit and part of the DWSD water system network; and be it further

Provided, That the "Riverbend Properties II, L.L.C." 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 [22 feet wide] for a relocated public sewer. After said easement has been reviewed and accepted by the Board of Water Commissioners (for and on behalf of the City of Detroit), 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, the public sewer shall become property of the City of Detroit and part of the DWSD sewer system; and be it further

Resolved, 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 Cockrell, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 8.
Nays — None.

Recreation Department

April 1, 1996

Honorable City Council:

Re: Authority to Accept Grant.

The Michigan Council for Arts and Cultural Affairs has awarded the Recreation Department a grant in the amount of \$6,400. This money is to be used to cover expenses incurred in the operation of the technical assistance for arts organizations program for FY 1995-96.

This is to request your Honorable Body's authority to accept the grant. Respectfully submitted,

ERNEST W. BURKEEN, JR.

Director

Approved:

JON MESSNER

Deputy Budget Director

EARL C. CABBELL

Deputy Finance Director

By Council Member Cockrell:

Resolved, That the City of Detroit Recreation Department be and is hereby authorized to accept grant funds from the State of Michigan Council for Arts and Cultural Affairs in the amount of \$6,400 for its technical assistance for arts organizations program for FY 1995-96, and further

Resolved, That Appropriation No. 5112 be established for this program, and further Resolved, That the Finance Director be and is hereby authorized and directed to establish accounts, transfer funds and honor vouchers as necessary for the operation of the program as outlined in the foregoing communication.

Adopted as follows:

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

Recreation Department

April 1, 1996

Honorable City Council:

Re: Acceptance of Grant Increase.

The Michigan Council for Arts and Cultural Affairs has awarded the Recreation Department \$49,000 for its FY 1995-96 Mini Grant Program for Arts Organizations in Detroit and Wayne County. This award constitutes a \$10,600 increase over the amount that appears on Appropriation Number 5110 for the Recreation Department's FY 1995-96 budget.

Approval of your Honorable Body to accept the increased award of \$10,600 is hereby requested.

Respectfully submitted,

ERNEST W. BURKEEN, JR.

Director

Approved:

JON MESSNER

Deputy Budget Director

EARL C. CABBELL

Deputy Finance Director

PETITION NO. 1664
 RIVERBEND PLAZA 2
 C/O MICHAEL A. CURIS PHONE: 313.371.5540 FAX: 313.371.8480
 LAMI A. TAWHEEL, P.E. PHONE: 313.537.7500 FAX: 313.537.1920
 JOSEPH ROKICSAK PHONE: 313.427.0090 FAX: 313.427.3378

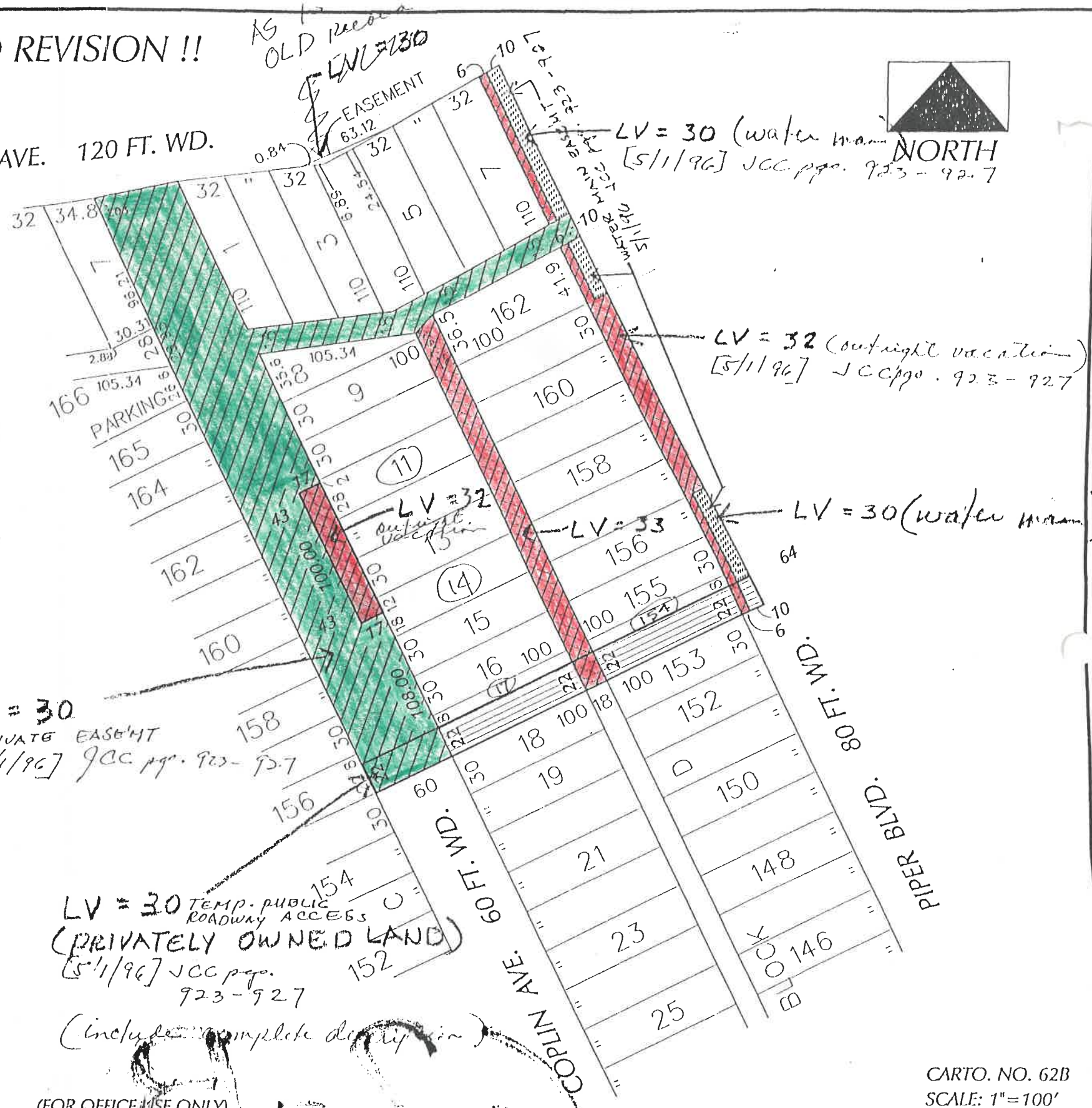
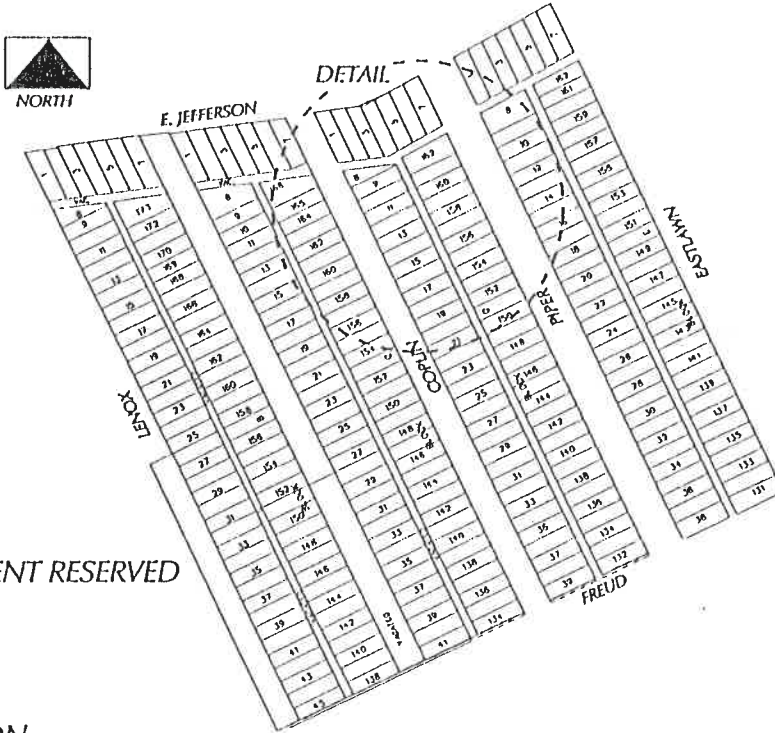
SECOND REVISION !!

E. JEFFERSON AVE. 120 FT. WD.



NORTH

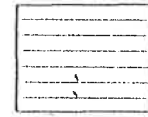
DEVELOPEMENT AREA



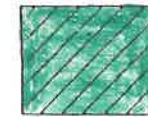
WATER MAIN EASEMENT RESERVED



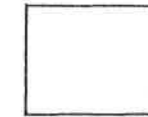
OUT-RIGHT VACATION



SEWER EASEMENT RESERVED



CONVERSION TO PRIVATE EASEMENT FOR PUBLIC UTILITIES



22 FT. WD. EASEMENT - GRANT OF TEMPORARY PUBLIC ROADWAY ACCESS OVER PRIVATELY OWNED LAND (SHOWN IN HEAVY OUTLINE)

JEFFERSON PARK SUBDIVISION

May 1, 1996
 JCC pgs. 923-927

(FOR OFFICE USE ONLY)

RIVERBEND PLAZA - PHASE 2

STREET AND ALLEY VACATIONS
 IN THE AREA BOUNDED BY COPLIN, PIPER, FREUD AND E. JEFFERSON.

CARTO. NO. 62B
 SCALE: 1"=100'

B					
A					
DESCRIPTION	DRAWN	CHECKED	APPROVED	DATE	
REVISIONS					
DRAWN BY	J. FOSTER	CHECKED			
DATE	01/05/96	APPROVED			

CITY OF DETROIT DEPARTMENT OF PUBLIC WORKS CITY ENGINEERING DIVISION	
JOB NO.	01-01
DRWG. NO.	X1664.DGN