

Honorable City Council:
Re: Petition No. 1761 Thyssen Steel Group Streets to Easement Parts of Campbell and Devereaux in the area bounded by Wesson, 35th, Edsel Ford Expressway and McGraw.

Petition No. 1761 of the "Thyssen Steel Group" requests the conversion into a private easement for public utilities of the following parts of public streets:

(1) Campbell Avenue, 60 feet wide, between the north line of Devereaux Street (66 feet wide) and the north line of the limited access right-of-way of the Edsel Ford Expressway; also

(2) Part of the northerly half of Devereaux Street, 66 feet wide, between the south line of Campbell Avenue (60 feet wide) and the west line extended northerly of the north-south public alley (17 feet wide; in the block bounded by Campbell Avenue, Thirty-Fifth Street, the Edsel Ford Expressway, and Devereaux Street);

The petition was referred to the City Engineering Division — DPW by the City

Clerk for investigation (utility clearances) and report. This is our report:

The Traffic Engineering Division — DPW has approved the public street closings. Planning & Development and Recreation Departments have approved the development plan.

The petitioner plans to remove the Campbell Avenue return into the Ford Expressway service drive. If necessary, Thyssen Steel shall apply to the Michigan Department of Transportation (M-DOT) for construction permits to work within the Edsel Ford Expressway service drive.

Until all existing structures fronting Campbell are removed, according to an agreement with the Fire Department, Thyssen Steel will maintain all existing fire hydrants on Campbell; also Thyssen Steel will maintain access for fire and emergency vehicles.

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 JAIYESIMI,

City Engineer

City Engineering Division-DPW

By Council Member Hood:

Resolved, All that part of Campbell Avenue, 60 feet wide, lying southerly of and abutting the south line of vacated Devereaux Street (66 feet wide; said public street having been previously vacated in the City Council resolution adopted on June 29, 1995 - J.C.C. pages 1775-77); also lying southerly of and abutting the south line of Lots 33 thru 47 of "Talbot's Subdivision of Lot 1 of the Subdivision of Daniel Livernois Estate of North part of Private Claim 171, City of Detroit and Springwells," City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 80, Plats, Wayne County Records; also lying northerly of and abutting the north line of Devereaux Street (66 feet wide); also lying northerly of and abutting the north line of the east 9.10 feet of Lot 16, and Lots 1 thru 15, Block 14, of "Fyfe, Barbour and Warren's Subdivision of that part of Private Claim 260 lying between Horatio Street and Warren Avenue, City of Detroit and Township of Springwells," City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 42, Plats, Wayne County Records; also

All that part of Devereaux Street, 66 feet wide, lying southerly of and abutting the south line of Campbell Avenue (60 feet wide); also lying westerly of and abutting the west line of Lot 23, Block 5; also lying easterly of and abutting the east line of Lot 1, Block 14, of "Fyfe, Barbour and Warren's Subdivision of that part of

16

1996

April 17

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Private Claim 260 lying between Horatio Street and Warren Avenue, City of Detroit and Township of Springwells," City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 42, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and are hereby converted into a private easement for public utilities 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 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 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 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; 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 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 further

Provided, That if it becomes necessary to remove the paved street return at the entrance (into the Edsel Ford Expressway service drive), such removal and construction of new curb and/or sidewalk shall be done under permit(s) and inspection according to Michigan Department of Transportation (M-DOT) specifications with all costs borne by the abutting owner(s), their heirs or assigns; and further

Provided, Until all existing structures [having frontage onto said part of Campbell Avenue] are removed, according to an agreement with the Fire Department, Thyssen Steel shall maintain all existing fire hydrants on Campbell Avenue at no expense to the City of Detroit; also Thyssen Steel shall maintain access for fire and emergency vehicles; 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 all of its facilities (now located within the herein above described vacated public streets) in the Thyssen Steel development site.

Adopted as follows:

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

Nays — None.

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TITUTION NO. 1761
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18' WIDE EASEMENT
FOR LATERAL SEWER
(EASEMENT AGREEMENT #9

APRIL 24,
J.C.C. pg.

