

Department Of Public Works
City Engineering Division
July 26, 1996

Honorable City Council:

Re: Petition No. 1780, Ace Tax Corporation (a/k/a Mechanics Laundry Co.) Utility Easements to Vacation; also requesting permission to retain existing non-standard driveway opening within the western public sidewalk space of Fourteenth [all] north of W. Warren between 14th and 15th;

Petition No. 1780 of "Ace Tax Corporation (a/k/a Mechanics Uniform Rental Company)" requests the (outright) vacation of the utility easements [20 feet wide; having been previously vacated and converted into a private easement for public utilities by City Council on December 6, 1989 — J.C.C. pages 2796-99]; also requesting permission to retain an existing non-standard commercial driveway [a single curb cut opening about 304.50 feet in length; NOTE: The maximum single commercial driveway curb cut opening without City Council approval is generally, 50 feet in length, including the turning radii.] within the western public sidewalk space of Fourteenth [all] north of W. Warren Avenue between Fourteenth and Fifteenth Streets. Ace Tax Corporation must agree to hold the city harmless from claims, damages and expenses to retain the existing non-standard driveway.

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

To protect the Public Lighting Department's (PLD) existing access rights to their "Warren Substation" site, the southerly 68.00 (linear) feet of the north-south public alley, 20 feet wide, will remain open. (NOTE: An easement, 20'x51' for access was reserved for the PLD — Warren Substation on January 17, 1967 — J.C.C. pg. 51, over property described as follows: The north 20.00 feet of the south 28.00 feet of the west 51.00 feet of Lot 492 of the "Plat of Part of the Godfrey Farm, Private Claim 726, lying North of Grand River Avenue", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 55, Plats, Wayne County Records.)

All other city departments and privately owned utility companies have reported no objections to the requested (outright) vacations.

I am recommending adoption of the attached resolution.

Respectfully submitted
SUNDAY JAIYESIMI,

City Engineer

By Council Member Scott:

Resolved, All that part of the private easement for public utilities being part of the north-south public alley [20 feet wide; having been previously vacated and converted into a private easement for public utilities by City Council on December 6, 1989 — J.C.C. pages 2796-99], north of W. Warren Avenue between Fifteenth and Fourteenth Streets lying westerly of and abutting the west line of the north 12.00 feet of Lot 492, and Lots 493 thru 498,

inclusive; also lying westerly of and abutting the west line of the south 20.00 feet of Lot 499 of the "Plat of Part of the Godfrey Farm, Private Claim 726, lying North of Grand River Avenue", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 55, Plats, Wayne County Records; also lying easterly of and abutting the east line of a part of Private Claim 44 (described as the northerly 272.00 feet of the southerly 340.00 feet of the westerly 106.85 feet of that part of Private Claim 44; lying east of Fifteenth Street, 60 feet wide, and north of W. Warren Avenue, 70 feet wide) as platted in "O'Brien's Subdivision of the East Half of the Private Claim No. 44 known as the LaFontaine Farm, North of Warren Avenue, Town 2 South, Range 11 East (Springwells Township)", City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 84, Plats, Wayne County Records; also

All of the private easement for public utilities being the east-west public alley

[20 feet wide; having been previously vacated and converted into a private easement for public utilities by City Council on December 6, 1989 — J.C.C. pages 2796-99] north of W. Warren Avenue between Fifteenth and Fourteenth Streets, having been platted as the south 20.00 feet of Lot 499 of the "Plat of Part of the Godfrey Farm, Private Claim 726, lying North of Grand River Avenue", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 55, Plats, Wayne County Records (having been deeded to the City of Detroit for public alley purposes on April 15, 1919 — J.C.C. page 531);

Be and the same are hereby vacated (outright) as private easement(s) for public utilities to become part and parcel of the abutting property; and be it further

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Ace Tax Corporation (a/k/a Mechanics Uniform Rental Company)" whose post office address is 7601 Central Avenue, Detroit, Michigan 48210 to maintain an existing encroachment within the following public sidewalk space [meaning the space between the lot line of the property and the street curb line]:

The western berm area (about 14.00 feet wide) of Fourteenth Street, 80 feet wide, between W. Warren and Merrick Avenues to maintain an existing non-standard commercial driveway [a single curb cut opening about 304.50 feet in length, including two turning radii]; said part of public street right-of-way lying easterly of and abutting the east line of Lots 495 thru 499; also lying easterly of and abutting the east line of vacated Putnam Avenue (70 feet wide; having been previously vacated by City Council on March 27, 1917 — J.C.C. page 366); also lying easterly of and abutting the east line of Lot 500 of the "Plat of Part of the Godfrey Farm, Private Claim 726, lying North of Grand River Avenue", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 55, Plats, Wayne County Records; also

Provided, The petitioner shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims

which may arise therefrom. Also, the petitioner shall be required by the Law Department in conjunction with the Finance Department — Risk Management Division to present proof of financial capability (bonds and insurance; the City of Detroit shall be named as co-insured therein) to pay any claims, damages or expenses that may arise as a result of the installation, maintenance or use of an existing non-standard commercial driveway [a single curb cut opening about 304.50 feet in length, including two turning radii] within public street right-of-way. To protect the city in the event of petitioner default, a surety bond in a penal sum sufficient to pay the City of Detroit's cost to remove or alter the non-standard curb opening (if such removal or alteration becomes necessary) shall be maintained by the "Ace Tax Corporation". Also, said surety bond shall be maintained in perpetuity (with no expiration date) by the "Ace Tax Corporation". The petitioner shall be unable to obtain a release from said surety bond as long as the non-standard commercial driveway exists within the public right-of-way of Fourteenth Street, 80 feet wide. The City Engineering Division — Street Design Bureau in conjunction with the Traffic Engineering Division — DPW shall be responsible for determining the amount of said surety bond, and then to transmit the information to the Finance Department; and further

Provided, That such use of public property shall be under the rules and regula-

tions of the City Engineering Division — DPW in conjunction with the Traffic Engineering Division — DPW; and further

Provided, That the property owned by the petitioner and adjoining the herein above described part of public street right-of-way shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total area of said western public sidewalk space [meaning the space between the lot line of the property and the street curb line]; and further

Provided, All costs for the maintenance, permits and use of the existing non-standard commercial driveway within public street right-of-way shall be borne by the petitioner; and further

Provided, That the petitioner shall maintain a safe and convenient concrete public sidewalk space along said western berm area of Fourteenth Street. Also, the line and grades of public sidewalk space shall be approved by the City Engineering Division — DPW prior to any new concrete pour in accord with Detroit Code Section 50, Article 4. The construction, placement, and maintenance of the existing non-standard commercial driveway within public sidewalk space shall be subject to city permits and inspection. Further, the petitioner shall pay all costs to maintain the existing non-standard commercial driveway in front of property owned by Ace Tax Corporation. The petitioner, Ace Tax Corporation, shall be liable for all claims, demands, costs, damages, expenses, and causes of action of every kind and character arising in favor of any person, or other legal entity on account of personal injuries or death or damage to property caused by or claimed or alleged to have arisen out of the installation and maintenance of an existing non-standard

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commercial driveway [a single curb cut opening about 304.50 feet in length, including two turning radii] within public street right-of-way. The installation and maintenance of said encroachment(s) shall comply with the rules and regulations of the City Engineering Division — DPW and the Department of Public Works — Traffic Engineering Division; and further

Provided, The City of Detroit retains all rights and interests in said above described public sidewalk space or part of public street right-of-way. Further, the city and all utility companies retain their rights to establish, maintain, inspect and service any utilities within or over said public sidewalk space; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in the public rights-of-way, by the acceptance of this permission, the encroachment owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal or alteration, if their removal or alteration becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division — DPW at expense of Ace Tex Corporation, the encroachment owner; and further

Provided, Said permission to use the above described public sidewalk space along said western berm area of Fourteenth Street may be rescinded at any time by the Department of Public Works. Further, the issuance of permits does not waive the rights of the city to use the area for street widening or other purposes; and further

Provided, That said permittee shall be subject to any tax under the provisions of the General Property Tax Act which may be levied against it pursuant to law; and further

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be

removed at the expense of the permittee at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW at the sole cost and expense of "Ace Tex Corporation"; and further

Provided, That said permits issued by the City Engineering Division — DPW and/or the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies (governing the placement of encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereunto, and to accept said permits on the conditions hereby imposed, and in the event said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; and further

Provided, The encroachment part of this resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, The installation and maintenance of an existing non-standard commercial driveway [a single curb cut opening about 304.50 feet in length, including two turning radii, within public street right-of-way; said installation requires the filing of an indemnity agreement, bonds or insurance, and the securing of permit(s)] referred to herein shall be construed as acceptance of this resolution by the permittee; and further

Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; 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 Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

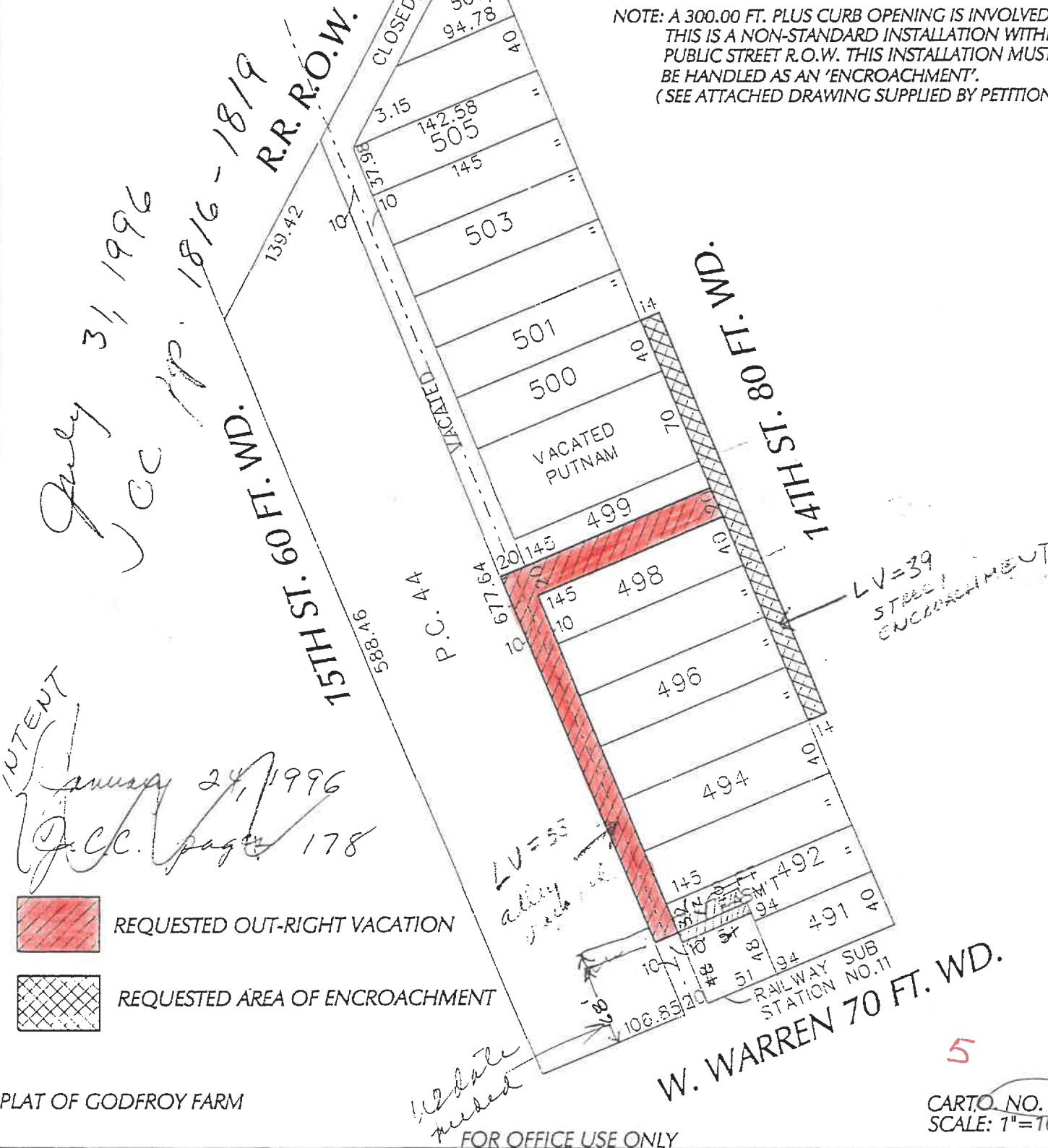
Nays — None.

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PETITION NO. 1780
 ACE-TEX CORPORATION
 C/O MARTIN KAUFMANN
 PHONE: 313.898.1099
 OR MICHAEL BODEN
 PHONE: 810.334.1919



NOTE: A 300.00 FT. PLUS CURB OPENING IS INVOLVED.
 THIS IS A NON-STANDARD INSTALLATION WITHIN
 PUBLIC STREET R.O.W. THIS INSTALLATION MUST
 BE HANDLED AS AN 'ENCROACHMENT'.
 (SEE ATTACHED DRAWING SUPPLIED BY PETITIONER)



PLAT OF GODFREY FARM

CARTO. NO. 20A
 SCALE: 1"=100'

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
J. FOSTER					
DATE	APPROVED				
2/29/96					

REQUESTED OUT-RIGHT VACATION OF
 THE E/W & N/S EASEMENT 20 FT. WD.
 AND REQUESTING TO MAINTAIN 300 FT.
 ENCROACHMENT. ALL IN THE BLOCK
 BOUNDED BY 15TH ST., 14TH ST., W. WARREN
 & RAILROAD R.O.W.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X1780.DGN