

Department Of Public Works
City Engineering Division

May 24, 1996

Re: Petition No. 1907 Klein — Dexter
L.L.C. Streets to Vacation and
Easement a south part of Glendale
and a north part of Leslie, (both)
west of Dexter

Petition No. 1907 of "Klein — Dexter
L.L.C." requests the conversion of a
southerly 15.00 feet by 100.00 feet part of
Glendale Avenue, 60 and 90 feet wide,
into a private easement for public utilities;
also the outright vacation of a northerly
15.00 feet by 100.00 feet part of Leslie
Avenue, 80 and 110 feet wide, (both) west
of Dexter Avenue. Associated with the
street vacations is the development of city
owned land purchased by the petitioner.

The petition was referred to the City
Engineering Division — DPW [by the
Planning and Development Department
on February 29, 1996] for investigation
(utility review) and report. This is our
report:

The partial public street vacations were
approved by the Traffic Engineering
Division — DPW; subject to the mainte-
nance of minimum public street margin(s)
or berm area(s). The petitioner will pay all
expenses to realign public sidewalk(s)
and replace berm area tree(s). Tree plant-
ing is subject to the review and approval
of the Recreation Department for plant
materials.—Detroit Code Section 57,
Article 2. The construction of public side-
walk is subject to the specifications, per-
mits and inspection of the Department of
Public Works.

City departments and privately-owned
utility companies have reported no objec-
tions to the outright vacation; also the
conversion of public rights-of-way into a
private easement for public utilities.
Where appropriate, provisions protecting
utility installations are part of the resolu-
tion.

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 Leslie
Avenue, 80 and 110 feet wide, west of
Dexter Avenue; being described as fol-
lows: The northerly 15.00 feet of said
Leslie Avenue lying southerly of and abut-
ting the south line of Lot 113 of "Sullivan's
Dexter Boulevard Subdivision No. 1 part
of Quarter Section 12, Ten Thousand
Acre Tract," City of Detroit, Wayne County,
Michigan as recorded in Liber 55, Page
53, Plats, Wayne County Records;

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

Provided, That the abutting owner(s)
shall construct a concrete public sidewalk
within the remaining north berm area of
said Leslie Avenue (21.25 feet wide, more
or less, west of Dexter Avenue). The
replacement public sidewalk shall be a
minimum of 6.00 feet wide. Also, the new
sidewalk line and grades must be
approved by the City Engineering Division
— DPW prior to any concrete pour in
accord with Detroit Code Section 50,
Article 4. The construction, placement,
and maintenance of the replacement pub-
lic sidewalk shall be subject to city per-
mits, inspection, and specifications.
Additionally, the abutting owner(s) shall
pay all costs to construct and maintain the
replacement public sidewalk; and further

Provided, That the abutting owner(s)
shall obtain approval from the Recreation
Department prior to planting trees or
other plant materials within the remaining
north berm area of said Leslie Avenue
(21.25 feet wide, more or less, west of
Dexter Avenue) in accord with Detroit
Code Section 57, Article 2; and be it fur-
ther

Resolved, All that part of Glendale
Avenue, 60 and 90 feet wide, west of
Dexter Avenue; being described as fol-
lows: The southerly 15.00 feet of said
Glendale Avenue lying northerly of and
abutting the north line of Lot 123 of
"Sullivan's Dexter Boulevard Subdivision
No. 1 part of Quarter Section 12, Ten
Thousand Acre Tract," City of Detroit,
Wayne County, Michigan as recorded in
Liber 55, Page 53, 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 street, which ease-
ment 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 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 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, retaining or
partition walls, (except necessary parking
lot pavement and appurtenances
approved on permit plans submitted to
the Buildings and Safety Engineering
Department) 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 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 the abutting owner(s)
shall construct a concrete public sidewalk
within the remaining south berm area of
said Glendale Avenue (12.23 feet wide,
more or less, west of Dexter Avenue). The
replacement public sidewalk shall be a
minimum of 6.00 feet wide. Also, the new
sidewalk line and grades must be
approved by the City Engineering Division
— DPW prior to any concrete pour in
accord with Detroit Code Section 50,
Article 4. The construction, placement,
and maintenance of the replacement pub-
lic sidewalk shall be subject to city per-
mits, inspection, and specifications.
Additionally, the abutting owner(s) shall
pay all costs to construct and maintain the
replacement public sidewalk; and further

Provided, That the abutting owner(s)
shall obtain approval from the Recreation
Department prior to planting trees or
other plant materials within the remaining
south berm area of said Glendale Avenue
(12.23 feet wide, more or less, west of
Dexter Avenue) in accord with Detroit
Code Section 57, Article 2; and be it fur-
ther

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

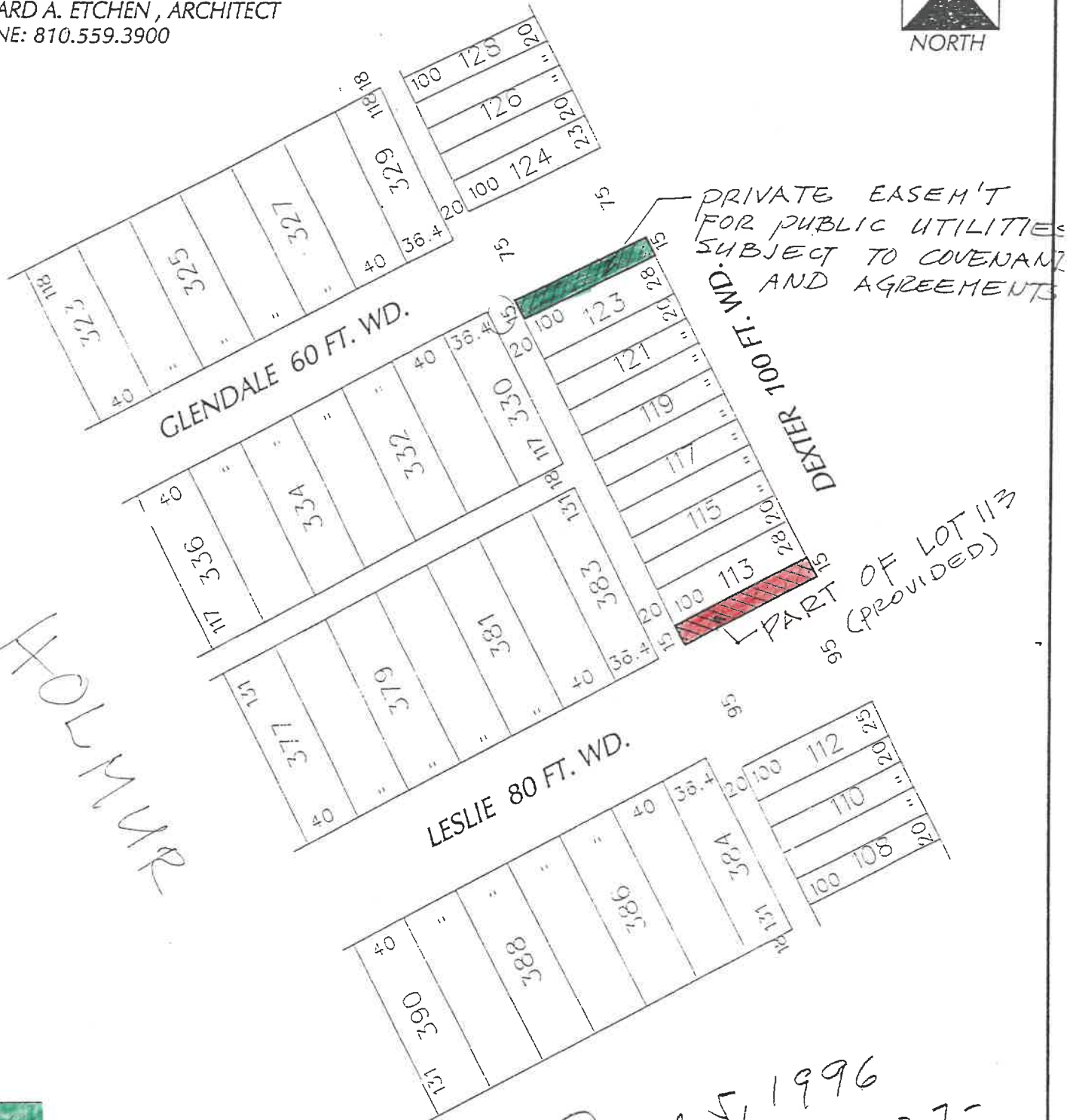
Adopted as follows:

Yeas — Council Members Cleveland,
Cockrel, Everett, Hill, Hood, Ravitz,
Scott, Tinsley-Williams and President
Mahaffey — 9.

Nays — None.

23-C

PETITION NO. 1907
 KLEIN/DEXTER L.L.C.
 C/O EDWARD A. ETCHEN, ARCHITECT
 PHONE: 810.559.3900



PRIVATE EASEMENT
 FOR PUBLIC UTILITIES
 SUBJECT TO COVENANTS
 AND AGREEMENTS

PART OF LOT 113
 (PROVIDED)

HOLMUR



REQUESTED CONVERSION TO EASEMENT.
 REQUESTED OUTRIGHT VACATION.

June 5, 1996
 JCC pp. 1227-1229

~~May 21, 1996~~
 SULLIVANS DEXTER BLVD. SUBN NO. 1

CARTO. NO. 23C
 SCALE: 1" = 100'

12

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION					
REVISIONS					
DRAWN BY	FOSTER	CHECKED		APPD	DATE
DATE	3.25.96	APPROVED			

REQUESTED OUTRIGHT VACATION OF THE NORTH
 15 FT. OF LESLIE AVE. 110 FT. WD. AND THE CONV.
 TO EASEMENT OF THE SOUTH 15 FT. OF GLENDALE AVE.
 90 FT. WD. FOR THE CONSTRUCTION OF A NEW
 ARBOR DRUGS, ON THE WEST SIDE OF DEXTER AVE.
 BTWN GLENDALE AVE. & LESLIE AVE.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X1907B.DGN