

Department Of Public Works  
City Engineering Division  
July 26, 1996

Honorable City Council:

Re: Petition No. 1947 Mercury Theatre Company (together with) Klein - Dexter L.L.C. Street to Easement two easterly parts of Schaefer between Grove and W. McNichols

Petition No. 1947 of the "Mercury Theatre Company (together with) Klein - Dexter L.L.C." requests the conversion of two easterly parts (both 27.00 feet wide) of Schaefer Highway, 113 feet wide, between Grove and W. McNichols Avenues into a private easement for public utilities. A new shopping center is planned for the site.

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

The partial public street vacations were approved by the Traffic Engineering Division — DPW.

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.

The city is owner in fee of the easterly 27.00 feet of Schaefer Highway, 113 feet wide, north of Grove Avenue. Therefore, the Finance Director must execute a quit-claim deed to transfer one part of the vacated and converted public right-of-way.

I am recommending adoption of the attached resolution.

Respectfully submitted  
SUNDAY JAIYESIMI,  
City Engineer

By Council Member Scott:

RESOLVED, All that part of Schaefer Highway, 113 feet wide, between Grove and W. McNichols Avenues; being described as follows: The easterly 27.00 feet of said Schaefer Highway lying westerly of and abutting the west line of the north 0.12 feet of Lot 72, and Lots 67 thru 71 of "Schwass College Park Subdivision of the North Half of the Northwest Quarter of the Northwest Quarter of Section 17, Town 1 South, Range 11 East (Greenfield Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 56, Page 12, Plats, Wayne County Records; also

All that part of the Northwest Quarter of Section 17, Town 1 South, Range 11 East (Greenfield Township), described as the easterly 27.00 feet of the westerly 60.00 feet of said Northwest Quarter of Section 17 lying between the northerly line of Grove Avenue, 60 feet wide as now established and the southerly line of a 20 feet wide public alley lying south of and adjoining "Schwass College Park Subdivision of the North Half of the Northwest Quarter of the Northwest Quarter of Section 17, Town 1 South, Range 11 East (Greenfield Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 56, Page 12, Plats, Wayne County Records; (said parcel having been deeded to the City of Detroit for public street purposes on July 1, 1941 — J.C.C. page 2014).

Be and the same are hereby vacated as (two easterly) parts of a public street and are 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 (two easterly) parts of a 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 (two easterly) parts of a 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 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 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 (two easterly) parts of a 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 abutting owner(s) shall construct and/or maintain a concrete public sidewalk within the remaining east berm area in front of said (two easterly) parts of Schaefer Highway (10.00 feet wide, more or less, between Grove and W. McNichols Avenues). The public sidewalk shall be a minimum of 6.00 feet wide. Also, the 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 public sidewalk shall be subject to city permits, inspection, and specifications. Additionally, the abutting owner(s) shall pay all costs to construct and maintain the public sidewalk; and further

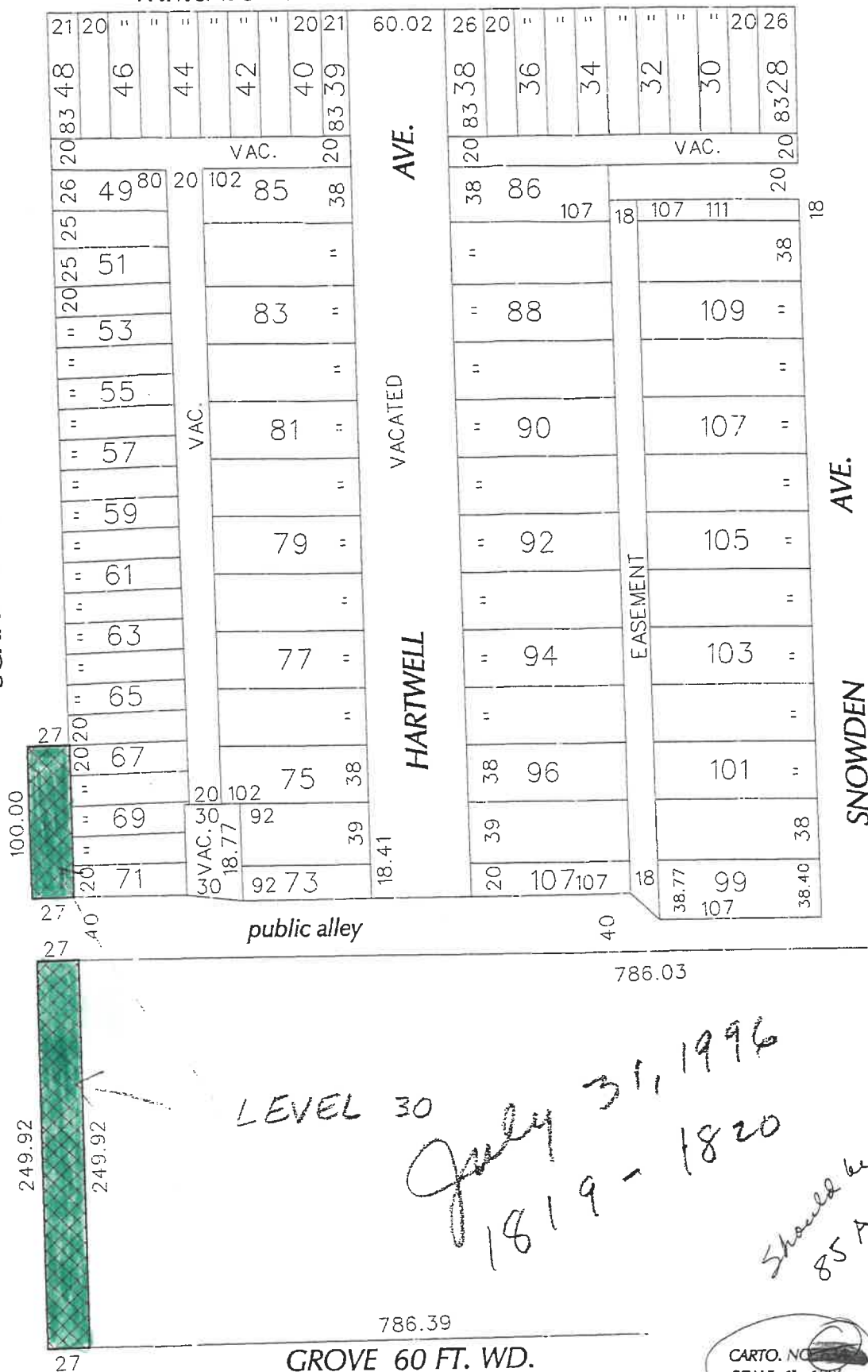
PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and be it further

RESOLVED, The Finance Director is hereby authorized and directed to issue a quit-claim deed to transfer the following vacated public (street) right-of-way to the "Mercury Theatre Company," whose post office address is 3000 Town Center, Suite 711, Southfield, Michigan 48075 (phone: 810-357-4884) for the fair market value and/or other valuable considerations:

Land in the City of Detroit, Wayne County, Michigan being "All that part of the Northwest Quarter of Section 17, Town 1 South, Range 11 East (Greenfield Township), described as the easterly 27.00 feet of the westerly 60.00 feet of said Northwest Quarter of Section 17 lying between the northerly line of Grove Avenue, 60 feet wide as now established and the southerly line of a 20 feet wide public alley lying south of and adjoining "Schwass College Park Subdivision of the North Half of the Northwest Quarter of the Northwest Quarter of Section 17, Town 1 South, Range 11 East (Greenfield Township)," as recorded in Liber 56, Page 12, Plats, Wayne County Records; (said parcel having been deeded to the City of Detroit for public street purposes on July 1, 1941 — J.C.C. page 2014); containing about 6,748 square feet or 0.1549 acre more or less; subject to a private easement for public utilities;"

Adopted as follows:  
Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.  
None.

W.McNICHOLS



SCHWASS COLLEGE PARK SUBN.  
N.W. 1/4 SECTION 17

(FOR OFFICE USE ONLY)

B				
A				
DESCRIPTION		DRWN	CHKD	APPD
REVISIONS				
DRAWN BY J. FOSTER		CHECKED		
DATE 3.26.96		APPROVED		

REQUESTED CONVERSION TO EASEMENT OF A 27 FT. PORTION  
OF THE SCHAEFER HWY. R.O.W. 113 FT. WD. NORTH OF GROVE ST.  
AND SOUTH OF W. MCNICHOLS.

CITY OF DETROIT  
CITY ENGINEERING DEPARTMENT  
SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X1947A.DGN

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