

DETROIT EDISON
June 26, 1996

Honorable City Council:

Re: Petition No. 2094 Detroit Edison Company—Edison Center Parking Area, Street to Easement, Elizabeth between Fourth and Third

Petition No. 2094 of the "Detroit Edison Company" requests the conversion of Elizabeth Street, 50 feet wide, between Fourth and Third Avenues into a private easement for public utilities. City Council temporarily closed the public street on April 20, 1994—J.C.C. pages 685-89. This petition requests the permanent closing (or vacation) of the public street.

The Traffic Engineering Division-DPW approved the permanent public street closing. The petition was referred to the City Engineering Division-DPW for investigation and report. This is our report:

Detroit Edison plans to use the paved street return entrance (into Third Avenue), and requests such remain in its present status. Detroit Edison will pay all expenses to remove the paved public street return whenever discontinuance of use makes removal necessary; subject to city specifications, permits and inspection.

The Public Lighting Department has overhead facilities in the street right-of-way. Satisfactory arrangements (to relocate one pole and street light) are complete.

All other city departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JALYESIMI
City Engineer

By Council Member Cockrel:

RESOLVED, All of Elizabeth Street, 50 feet wide, between Fourth and Third Avenues lying southerly of and abutting the south line of Lot 6, Block 60; also lying southerly of and abutting the south line of the vacated north-south public alley, 14.70 feet wide (in the block bounded by Fourth and Third Avenues, Elizabeth and Plum Streets; said public alley having been previously vacated by City Council on April 20, 1994 - J.C.C. pages 685-89), Block 60; also lying southerly of and abutting the south line of Lots 7 and 8, Block 60; also lying northerly of and abutting the north line of Lots 9 and 10, Block 59; also lying northerly of and abutting the north line of the vacated north-south public alley, 14.70 feet wide (in the block bounded by Fourth and Third Avenues, Beech and Elizabeth Streets; said public alley having been previously vacated by City Council on April 20, 1994 - J.C.C. pages 685-89), Block 59; also lying northerly of and abutting the north line of Lot 1, Block 59, of the "Plat of Subdivision of the Jones' Farm, South of the Grand River Road," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 134, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lot 6, Block 67; also lying southerly of and abutting the south line of the vacated north-south public alley, 15 feet wide (in the block bounded by Fourth and Third Avenues, Elizabeth and Plum Streets; said public alley having been previously vacated by City Council on April 20, 1994 - J.C.C. pages 685-89), Block 67; also lying southerly of and abutting the

south line of Lot 7, Block 67; also lying northerly of and abutting the north line of Lot 8, Block 64, of the "Plat of Subdivision of Blocks 52, 61, 67 and part of Blocks 57, 64, 69 and 71 of the Cass Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 128, Plats, Wayne County Records; also lying northerly of and abutting the north line of the vacated north-south public alley, 15 feet wide (in the block bounded by Fourth and Third Avenues, Beech and Elizabeth Streets; said public alley having been previously vacated by City Council on April 20, 1994 - J.C.C. pages 685-89), Block 64; also lying northerly of and abutting the north line of Lot 1, Block 64, of the "Cass Western Addition to the City of Detroit between the Chicago and Grand River Roads by Lewis Cass 1851," City of Detroit, Wayne County, Michigan as recorded in Liber 42, Pages 138, 139, 140 and 141, Deeds, 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 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 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 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, 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 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

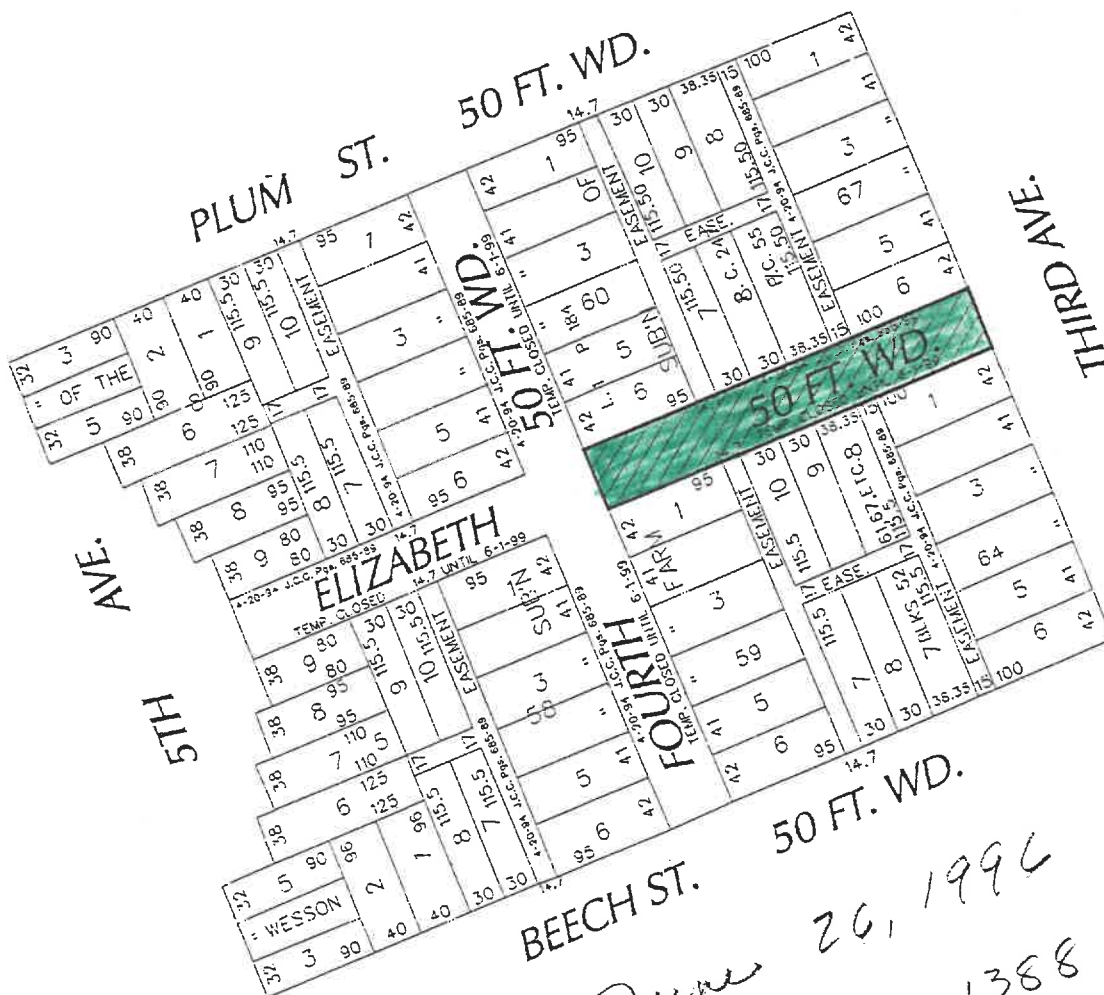
PROVIDED, That if it becomes necessary to remove the paved street return at the entrance (into Third Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division-DPW specifications with all costs borne by the abutting owner(s), their heirs or assigns; 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 and President Pro Tem Hill — 8.

Nays — None.



REQUESTED CONVERSION TO EASEMENT

BEECH ST. 50 FT. WD.
 JUNE 26, 1996
 JCC P90, 1388-1389

officially on 29 E.dgr

CARTO. NO. 28C, 288, 29D, 29E
 SCALE: 1"=150'

(FOR OFFICE USE ONLY)

DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS				
DRAWN BY	CHECKED			
N.PERRY				
DATE	APPROVED			
5-13-96				

REQUESTED CONVERSION TO EASEMENT OF PORTION
 OF ELIZABETH AVE. BLOCKS BOUNDED BY FOURTH
 AVE., THIRD AVE., BLEECH ST. AND PLUM ST.

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CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X2094.DGN