

Department of Public Works
City Engineering Division
May 2, 1997

Honorable City Council:
Re: Petition No. 1258 [Addendum],
American Axle and Manufacturing,
Inc., Street Closing part of Greeley
Street, between Gillett and Holbrook.
Petition No. 1258 [Addendum] of
"American Axle and Manufacturing, Inc.
[AAM]" requests the closing of part of
Greeley Street, 50 feet wide, between
Gillett Street and Holbrook Avenue. City
Council previously approved numerous
public street and alley vacations (also one
partial temporary public alley closing;
associated with Petition No. 1258 of
"AAM") on December 6, 1995 (J.C.C.
pages 3098-3107). At that time Council
requested that Greeley Street (south of
Holbrook) stay open, pending an investi-
gation and report from the City Planning
Commission.

City Council received a favorable report
from the City Planning Commission dated
October 18, 1996. Thereafter, City
Engineering Division — DPW was asked
to prepare the necessary resolution.

I am recommending adoption of the
attached (addendum) resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

By Council Member Everett:

Whereas, City Council previously
approved numerous public street and
alley vacations (also one partial tempo-
rary public alley closing; associated with
Petition No. 1258 of "American Axle and
Manufacturing, Inc. [AAM]" on December
6, 1995 (J.C.C. pages 3098-3107). At that
time Council requested that Greeley
Street (south of Holbrook) stay open,
pending an investigation and report from
the City Planning Commission; and

Whereas, City Council received a favor-
able report from the City Planning
Commission dated October 18, 1996.
Thereafter, City Engineering Division —
DPW was asked to prepare the neces-
sary resolution; and

Whereas, The sale of Lot 127 of
"Reutter's Subdivision" City of Detroit,
Wayne County, Michigan as recorded in
Liber 12, Page 30, Plats, Wayne County
Records; is pending at this time.
Therefore, AAM is requesting a temporary
closing of that part of Greeley Street abut-
ting said Lot 127. The city retains all rights
and interests in the part(s) of public street
(and alley) abutting said Lot 127. AAM will
hold the city harmless from claims, dam-
ages, or expenses that may arise from the
temporary closing(s); and

Whereas, The Traffic Engineering
Division — DPW approved a public street
turnaround at Greeley and Gillett Streets;
and

Whereas, If it becomes necessary to
remove the street return entrance (into
Holbrook), AAM will pay all incidental
removal and/or restoration costs; there-
fore be it

Resolved, The City Engineering
Division — DPW is hereby authorized and
directed to issue permits to "American
Axle & Manufacturing, Inc., a Delaware
Corporation whose post office address is
1840 Holbrook Avenue, Detroit, Michigan"
to close the following part of public street
right-of-way on a temporary basis to
expire on January 1, 2001:

All that part of Greeley Street, 50 feet
wide, south of Holbrook Avenue lying
westerly of and abutting the west line of

the east-west public alley [16 feet wide;
east of Greeley Street between Holbrook
Avenue and Gillett Street]; also lying west-
erly of and abutting the west line of Lot
126; also lying easterly of and abutting the
east line of the east-west public alley [16
feet wide; in the block bounded by the
Chrysler Freeway, Greeley Street, Alger
and Holbrook Avenues]; also lying easterly
of and abutting the east line of Lot 127
of "Reutter's Subdivision of part of the
East Half of Quarter Section 43, Ten
Thousand Acre Tract, Hamtramck, Wayne
County, Michigan," City of Detroit, Wayne
County, Michigan as recorded in Liber 12,
Page 30, Plats, Wayne County Records;

Provided, The petitioner shall file with
the Finance Department an indemnity
agreement in form approved by the Law
Department. The agreement shall save
and protect the City of Detroit harmless
from all claims, damages or expenses
that may arise by reason of the issuance
of permits and the faithful or unfaithful
performance by the petitioner of the terms
thereof. Further, the petitioner shall agree
to pay all claims, damages or expenses
that may arise out of the maintenance of
the temporary public street (and alley
closing); and

Provided, The permit shall be issued
after the City Clerk has recorded a certi-
fied copy of this resolution with the Wayne
County Register of Deeds; and

Provided, The property owned by the
petitioner and adjoining the temporary
public street (and alley closing) shall be
subject to the proper zoning or regulated
use (Board of Zoning Appeals Grant) over
the total width and length of the street
(and alley); and

Provided, No building or other structure
(except necessary line fence), shall be
constructed on or over the street (and
alley). The petitioner shall observe the
rules and regulations of the City
Engineering Division — DPW. The City of
Detroit retains all rights and interests in
the temporarily closed public street (and
alley). The city and all utility companies
retain their rights to service, inspect,
maintain, repair, install, remove or replace
utilities in the temporarily closed public
street (and alley). Further, the petitioner
shall comply with all specific conditions
imposed to insure unimpeded 24-hour-
per-day access to the city and utility com-
panies; and

Provided, All of the petitioner's public
property fence and gate installation(s)
shall be subject to the review and
approval of the City Engineering Division
— DPW (if necessary, in conjunction with
the Traffic Engineering Division — DPW
and the Planning and Development
Department); and

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Provided, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, This resolution does not permit the storage of materials, display of merchandise, or advertising signs within the temporarily closed public street (and alley). Further, the placement of materials, merchandise, or advertising signs on any adjacent berm area is prohibited. It is the intent of this provision to prohibit private advertising within public rights-of-way, but not signs conforming to the current Michigan Manual of Uniform Traffic Control Devices; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division — DPW by the petitioner at the petitioner's expense; and

Provided, This resolution is revocable at the will, whim or caprice of the City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the time period (to expire on January 1, 2001), the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, This permit shall not be assigned or transferred without the written approval of the City Council; and be it further

Resolved, All that part of Greeley Street, 50 feet wide, between Holbrook Avenue and Gillett Street lying westerly of and abutting the west line of Lots 116 thru 121; also lying easterly of and abutting the east line of the northern 12.32 feet of Lot 43, and Lots 39 thru 42 of "Reuter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records;

Be and the same is hereby vacated as a part of 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 sa property shall break or be damaged as result of any action on the part of se owners or assigns (by way of illustration but not limitation) such as storage excessive weights of materials or cc struction not in accordance with Secti. 3, mentioned above, then in such eve said owners or assigns shall be liable for all costs incidental to the repair of su broken or damaged utility; and further

Provided, That if it becomes necessary to remove the paved street and all return(s) at their entrance(s) (in Holbrook Avenue and/or part of Greeley Street), such removal and construction new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DP specifications with all costs borne American Axle and Manufacturing, Inc the abutting owner, their heirs or assign and further

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

Adopted as follows:

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

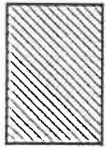
Nays — None.

May 14, 1997
FCC
1070-1072

PETITION NO. 1258 (ADDENDUM)
AMERICAN AXLE & MANUFACTURING, INC.
1840 HOLBROOK AVE., DET., MI. 48212
C/O PATRICK S. LANCASTER, SENIOR COUNSEL
PHONE: 313.974.2333 FAX: 313.974.3090



REQUESTED CONV. TO EASEMENT



REQUESTED TEMPORARY CLOSING

CARTO. NO. 42D



5/14/1997 1070-12
J.C. 1997

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(FOR OFFICE USE ONLY)

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REQUESTED CONVERSION TO EASEMENT AND REQUESTED TEMPORARY CLOSING
OF PORTIONS OF GREELEY AVE., 50 FT. WD., SOUTH OF HOLBROOK AVE.

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU
JOB NO. 01-01
DRAWG. NO. X1258.DGN