

Department of Public Works
City Engineering Division
May 23, 1997

Honorable City Council:

Re: Petition No. 2309, Detroit Economic Growth Corporation (together with) Perstorp Xytec, Inc. Streets to Vacation: parts of Bangor Court and Bangor Avenue east of Scotten and north of Michigan.

Petition No. 2309 of "Detroit Economic Growth Corporation" requests the outright vacation of parts of Bangor Court, 30 feet wide and variable width; also Bangor Avenue, 28 and 50 feet wide, lying east of Scotten Avenue and north of Michigan Avenue. The purpose of the public street vacation(s) is to develop an industrial district. City Council established Industrial Development District No. 144 for "Perstorp Xytec, Inc. [Bloomfield Park Investment Company; Petition No. 2171]" on July 31, 1996 — J.C.C. pages 1714-16.

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

The Traffic Engineering Division — DPW has approved the public street closing(s).

Michigan Consolidated Gas Company (MCG Co.) needs to maintain services to 4086 Michigan and 3350 Scotten. The resolution contains provisions to protect the facilities and utility services of MCG Co.

Perstorp Xytec, Inc. must pay all expenses to reroute two existing water mains [8-inches diameter in Bangor Court; also 6-inches diameter in Bangor Avenue] and construct new connections to the Water and Sewerage Department (DWSD) network. Perstorp Xytec, Inc. must provide DWSD an easement for the public water main(s) system [minimum 20 feet wide; center line over the water pipe(s)] before the start of construction. The new rerouted water main(s) must be engineered and constructed by Perstorp Xytec, Inc. at no cost to the city. Plans and construction must be reviewed and approved by DWSD; subject to DWSD specifications, permits and inspection.

All other involved city departments and privately owned utility companies reported no objections to the outright vacation. Provisions protecting certain utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

By Council Member Scott:

Whereas, City Council established Industrial Development District No. 144 for "Perstorp Xytec, Inc. [Bloomfield Park Investment Company; Petition No. 2171]" on July 31, 1996 — J.C.C. pages 1714-16; and

Whereas, Petition No. 2309 of "Detroit Economic Growth Corporation" requests the outright vacation of Bangor Court, 30 feet wide and variable width; also Bangor Avenue, 28 and 50 feet wide, within the "Perstorp Xytec" parcel boundaries; therefore be it

Resolved, Land in the City of Detroit, Wayne County, Michigan being all that part of Lots 25 and 26 of "Hypolite Brossard's Subdivision of Outlots 82 and 83 and that part of Outlot 85 South of the Lake Shore and Michigan Southern Railroad, of the subdivision of Private Claim 563, Detroit, Wayne County, Michigan" as recorded in Liber 9, page 39 of Plats of Wayne County Records; being more particularly described as follows: Commencing at a point in the easterly line of Scotten Avenue (58.00 feet wide) said point also being the northwesterly corner

of said Lot 26; thence S.27°52'40"E., along said easterly line of Scotten Avenue, 28.37 feet to the point of beginning; thence S.27°52'40"E., 31.63 feet; thence N.62°07'21"E., 59.80 feet; thence N.39°59'21"W., 67.65 feet to the point of beginning, containing about 946 square feet of 0.0217 acre more or less; said parts of lots acquired for public street purposes, establishing part of Bangor Court, 30 feet wide and variable width; also

Land in the City of Detroit, Wayne County, Michigan being all that part of Lots 14 thru 24 of "Hypolite Brossard's Subdivision of Outlots 82 and 83 and that part of Outlot 85 south of the Lake Shore and Michigan Southern Railroad, of the subdivision of Private Claim 563, Detroit, Wayne County, Michigan" as recorded in Liber 9, page 39 of Plats of Wayne County Records; being more particularly described as follows: Commencing at the northeast corner of Scotten Avenue (58.00 feet wide) and Michigan Avenue (120 feet wide); thence N.27°52'40"W., along the easterly line of Scotten Avenue, 106.05 feet; thence N.62°07'21"E., 24.27 feet to the point of beginning; thence N.62°07'21"E., 31.92 feet; thence S.89°59'21"E., 185.20 feet; thence S.27°55'40"E., 16.98 feet; thence N.89°59'21"W., 221.00 feet to the point of beginning, containing about 3,047 square feet or 0.0669 acre more or less; said parts of lots acquired for public street purposes, establishing part of Bangor Court, 30 feet wide and variable width; also

All of the remaining east-west public alley, 15 feet wide, first north of Michigan Avenue and east of Scotten Avenue lying southerly of and abutting the south line of Lot 12; also lying southerly of and abutting the south line of the previously vacated north-south public alley (15 feet wide; in the block bounded by Scotten and Bangor Avenues, Bangor Court, and the Railroad; said public alley previously vacated by City Council on August 26, 1919 — J.C.C. page 1324); also lying southerly of an abutting the south line of Lot 25; also lying northerly of and abutting the north line of the west 5.20 feet of Lot 14, and Lots 15 thru 24 as platted in "Hypolite Brossard's Subdivision of Outlots 82 and 83 and that part of Outlot 85 south of the Lake Shore and Michigan Southern Railroad, of the subdivision of Private Claim 563," City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 39, Plats, Wayne County Records; said public alley (containing about 3,633 square feet or 0.0834 acre more or less) being part of Bangor Court, 30 feet wide and variable width; also

All that part of Bangor Avenue, 28 feet wide, north of Michigan Avenue (120 feet wide) being more particularly described as follows: Commencing at the northeast corner of Scotten Avenue (58.00 feet wide) and Michigan Avenue (120 feet wide); thence N.39°55'00"E., along the northerly line of said Michigan Avenue, 248.59 feet to the point of beginning; thence N.39°55'00"E., 31.57 feet; thence N.27°55'40"W., 152.72 feet; thence N.89°59'21"W., 31.59 feet; thence S.27°55'40"E., 152.78 feet to the point of beginning, containing about 4,277 square feet or 0.0982 acre more or less; also

All that part of Bangor Avenue, 28 and 50 feet wide, lying westerly of and abutting the west line of (a north part of) Lot 1; also lying easterly of and abutting the east line of the previously vacated east-west public alley (15 feet wide; in the block bounded by Scotten and Bangor Avenues, Bangor Court, and the Railroad; said public alley previously vacated by City Council on June 4, 1891 — J.C.C. page 441); also lying easterly of and abutting the east line of Lots 2 thru 12 as platted

in "Hypolite Brossard's Subdivision of Outlots 82 and 83 and that part of Outlot 85 south of the Lake Shore and Michigan Southern Railroad, of the subdivision of Private Claim 563," City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 39, Plats, Wayne County Records; being more particularly described as follows: Beginning at the southeasterly corner of said Lot 12; thence S.39°59'21"E., 31.59 feet (to the easterly line of Bangor Avenue, 28 feet wide); thence N.27°55'40"W., 142.25 feet; thence N.62°04'20"E., 22.00 feet; thence N.27°55'40"W., 313.00 feet; thence S.27°30'07"W., 60.72 feet; thence S.27°55'40"E., 405.95 feet to the point of beginning, containing about 18,564 square feet or 0.4252 acre more or less;

Be and the same are hereby vacated (outright) as parts of public (street) right-of-way to become part and parcel of the abutting property, subject to the following provisions, easements and building and use restrictions:

Provided, That a private utility easement for the Michigan Consolidated Gas Company is hereby reserved within the above described parts of Bangor Court, 30 feet wide and variable width; also Bangor Avenue, 28 and 50 feet wide, within the "Perstorp Xytec" parcel boundaries, 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 Michigan Consolidated Gas Company an easement or right-of-way over said vacated public street herein above described for the purposes of maintaining, installing, repairing, removing, or replacing underground utilities such as gas lines or mains, handholes, manholes, shut-offs, valves, pipes or things usually placed or installed by Michigan Consolidated Gas Company 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 Michigan Consolidated Gas Company, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any gas line or main, handholes, manholes, shut-offs, valves, pipes, or any Michigan Consolidated Gas Company utility facility placed or installed in the utility easement or right-of-way. The Michigan Consolidated Gas Company shall have the right to cross or use the driveways and yards of the adjoining properties for ingress or 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 Michigan Consolidated Gas Company 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.

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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 by written permission of the Michigan Consolidated Gas Company; also necessary security installations, such as, by way of illustration, but not limitation: line fence, gates, and guard house structures shall be subject to the review and approval of the Michigan Consolidated Gas Company] 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 handholes, manholes, shut-offs, valves, pipes, mains or other Michigan Consolidated Gas Company facilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by Michigan Consolidated Gas Company, 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 by 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 Michigan Consolidated Gas Company utilities; and further

Provided, That before any construction shall be permitted within the vacated (out-right) parts of Bangor Court and Bangor Avenue, described above, Perstorp Xytec, Inc., shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. All costs for plan review associated with the protection of sewers (if necessary) and/or other construction that may be required by DWSD (designed to prevent damages and maintain public sewer(s), water main(s), and fire hydrant(s)), including but not limited to inspection and permits, shall be paid by "Perstorp Xytec, Inc." and/or their contractors; and further

Provided, That "Perstorp Xytec, Inc., a Washington corporation, whose address is 9350 47th Avenue SW, PO Box 99057, Tacoma, WA 98499 [Local Address: 4066 Michigan Avenue, Detroit, MI 48210]" shall grant the Water and Sewerage Department through the Board of Water Commissioners (for and on behalf of the City of Detroit) a satisfactory easement for the rerouted (looped system) water main(s) across property owned by the petitioner, and said Bangor Court and/or Bangor Avenue. After said easement has been reviewed and accepted by the Board of Water Commissioners (for and on behalf of the City of Detroit), then said grant of water main(s) easement shall be conveyed by a properly executed document, containing a legal description suitable for recording. Additionally, the Water and Sewerage Department shall record said executed document in the Wayne County Register of Deeds; and further

Provided, That upon satisfactory completion of the construction of said rerouted (looped system) water main(s), the water main(s) shall become property of the City of Detroit and part of the DWSD water system network; 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, Hood, Ravitz, Scott, Tinsley Williams, and President Pro Tem Hill — 7
Nays — None.

June 4, 1997
JCC Pgs. 1344 - 1346

NORTH
BASED ON CITY OF DETROIT
COORDINATE SYSTEM



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DRWG. NO. X2309.DGN