

Department of Public Works
City Engineering Division
April 3, 1998

Honorable City Council:

RE: Petition No. 0093, Doring, Inc./UAW-GM Center for Human Resources, Streets to Vacation and Easement, Remaining parts of Adair, Walker and Guoin in the area bounded by McDougall, Adair, River and Wight

Petition No. 0093 of "Doring, Inc./UAW-GM" requests the conversion of the remaining part of Adair Street, 50 feet wide, south of Wight Street into a private easement for public utilities. Also, the petition requests the outright vacation of the remaining parts of Walker Street, 50 feet wide, south of Wight; and the outright vacation of Guoin Street, 50 feet wide, between McDougall Avenue and Walker Street.

An Administration and Training Center for UAW-GM is under construction. The property lies south of Wight, along the Detroit River, between "River Place Grand Heritage Hotel" and "Harbortown". Petition No. 0093 contains the written consent of "River Place Grand Heritage Hotel" and "Harbortown".

Traffic Engineering Division-DPW approved the public street closings.

The petition was referred to City Engineering Division - DPW for investigation and report. This is our report:

City Council granted rights for various railroad crossings within Guoin, Walker, and Wight Streets in 1872 (J.C.C. page 492). The railroad companies having current land claims and/or rights of record are unknown by the city. Therefore, City Engineering Division - DPW is unable to vacate the land interests of the railroad companies [and/or their successors]. Property owners can obtain title work, and separately negotiate with the railroad companies having interests in the public streets.

An easement, 20 feet wide, within Guoin Street is reserved for the Water and Sewerage Department. The purpose of this easement is associated with Petition No. 0033 of Doring, Inc./UAW-GM Center for Human Resources. Petition No. 0033, prepared in its entirety by DWSD, intends to protect city rights and interests connected with the abandonment and relocation of a proposed 27-inches diameter combined public sewer. City Council approved Petition No. 0033 on April 1, 1998 (J.C.C. pages not published at the time of this report).

Detroit Edison Company requires a private utility easement, 50 feet wide, within one part of Guoin Street; adjoining property owned by "River Place Grand Heritage Hotel".

Detroit Edison Company requires a private utility easement across property owned by "Doring, Inc./UAWGM" and/or Guoin Street.

All other involved city departments and privately owned utility companies reported no objections to the outright vacations. 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 Hood:

RESOLVED, All of the remaining part of Adair Street, 60 feet wide, lying between and abutting the south line of Wight Street (50 feet wide) and a line 410.00 feet southerly of and parallel to said south line of Wight Street of the "Plat of the George Hunt Farm south of Gratiot Road", City of Detroit, Wayne County, Michigan as recorded in Liber 27, Pages 251 to 253, 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 & 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 its entrance (into Wight Street), 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 be it further

RESOLVED, All of the remaining part of Walker Street, 50 feet wide, lying between and abutting the south line of Guoin Street (50 feet wide) and a line 160.00 feet southerly of and parallel to said south line of Guoin Street; said part of Walker Street being a city public street right-of-way within Private Claims 11 and 453, McDougall Farm, City of Detroit, Wayne County, Michigan; and

All of the remaining part of Walker Street, 50 feet wide, lying between and abutting the south line of Wight Street (50 feet wide) and a line 200.00 feet southerly of and parallel to said south line of Wight Street; said part of Walker Street being a city public street right-of-way within Private Claims 11 and 453, McDougall Farm, City of Detroit, Wayne County, Michigan;

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

PROVIDED, That if it becomes necessary to remove the paved street return at its entrance (into Wight Street), 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 nothing within this resolution shall be construed so as to vacate easements and/or rights of record that may be retained by railroad companies [and/or their successors] crossing Guoin, Walker or Wight Streets [said railroad crossings having been granted with in the City Council resolution adopted in 1872 - J.C.C. page 492]; and further

PROVIDED, That if the owners of lot abutting said vacated street shall request the elimination and/or adjustment of any railroad crossing easement and/or right of record, such landholders, shall obtain an independent certification of land claims, and separately negotiate with the railroad companies having interest therein. Also, such landholders, shall pay all costs incidental to the elimination

RESOLVED, All of the remaining part of Guoin Street, 50 feet wide, lying between and abutting the east line of vacated McDougall Avenue (60 feet wide; having been previously vacated by City Council on May 2, 1984-J.C.C. pages 799 to 800; subject to a private easement for public utilities) and the east line of Walker Street (50 feet wide); said part of Guoin Street being a city public street right-of-way within Private Claims 9 and 454, B. Chapoton Farm; also within Private Claims 11 and 453, McDougall Farm, City of Detroit, Wayne County, Michigan;

Be and the same is hereby (outright) vacated as a public street right-of-way to become a part and parcel of the abutting property; subject to the following provisions, easements, land use and/or building restrictions:

PROVIDED, That nothing within this resolution shall be construed so as to vacate easements and/or rights of record that may be retained by railroad companies [and/or their successors] crossing Guoin, Walker or Wight Streets [said railroad crossings having been granted within the City Council resolution adopted in 1872 - J.C.C. page 492]; and further

PROVIDED, That if the owners of lots abutting said vacated street shall request the elimination and/or adjustment of any railroad crossing easement and/or rights of record, such landholders, shall obtain an independent, certification of land claims, and separately negotiate with the railroad companies having interests therein. Also, such landholders, shall pay all costs incidental to the elimination and/or adjustment of any railroad crossing easement, unless such charges are waived by the railroad companies; and further

PROVIDED, That the southern 20.00 feet of the northern 25.00 feet of said Guoin Street, 50 feet wide, is hereby reserved for the Water and Sewerage Department (DWSD) to service, maintain, install, repair, remove, replace and/or inspect a proposed public sewer. (NOTES: The purpose of this easement is associated with Petition No. 0033 of Doring, Inc./UAW-GM Center for Human Resources; Petition No. 0033, prepared in its entirety by DWSD, intends to protect city rights and interests connected with the abandonment and relocation of a proposed 27-inches diameter combined public sewer. City Council approved Petition No. 0033 on April 1, 1998 (J.C.C. pages not published at the time of writing this vacating resolution).); and further

PROVIDED; That before any construction shall be permitted within the vacated (outright) part of Guoin Street, 50 feet wide, described above, "Doring, Inc./UAW-GM", the abutting owner(s) shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the owner(s) shall submit said building plans to DWSD for review and approval. All costs for plan review associated with the abandonment and relocation of public sewer(s) [and/or other construction that may be required by DWSD designed to prevent damages and maintain public sewer services], including, but not limited to inspection and permits, shall be paid by "Doring, Inc./UAW-GM" and/or their contractors; and further

PROVIDED, The abutting owner(s), "The River Place, a Grand Heritage Hotel", hereby grant to and for the use of the Detroit Edison Company a private utility easement, 50 feet wide, across one part of the above described Guoin Street, said utility easement, being more particularly described as follows: Commencing at the southeastern corner of the intersection of Wight Street (50 feet wide) and vacated McDougall Avenue (60 feet wide; having been previously vacated by City Council on May 2, 1984-J.C.C. pages 799 to 800; subject to a private easement for public utilities); thence S.26°07'30"E., along the eastern line of said McDougall Avenue, 250.60 feet, to the point of beginning; thence N.59°52'00"E., along the southern line of Guoin Street (50 feet wide), 240.07 feet; thence S.26°07'00"W., 50.12 feet; thence S39°52'00"W., along the northern line of said Guoin Street, 240.08 feet; thence S.26°07'30"E., along the eastern line of said McDougall Avenue, 50.12 feet, to the point of beginning; containing about 12,004 square feet or 0.2756 acre more or less; and further

PROVIDED, That a private utility easement for the Detroit Edison Company is hereby reserved within the above described part of Guoin Street, 50 feet wide, 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 Detroit Edison Company an easement or right-of-way over said vacated public street herein above

duits, poles and/or lines, handholes, manholes or things usually placed or installed by Detroit Edison 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 right-of-way in and over said vacated street herein above described shall be forever accessible to the maintenance and inspection forces of the Detroit Edison Company, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any electric line and/or conduit, handholes, manholes or any Detroit Edison Company utility facility placed or installed in the utility easement or right-of-way. The Detroit Edison

Company shall have the right to cross use the driveways and yards of the adjoining properties for ingress and egress any time to and over said utility easement with any necessary equipment to perform the above mentioned tasks, with the understanding that the Detroit Edison 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.

THIRD, said owners for their heirs and assigns further agree that no buildings, structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, [except by written permission of the Detroit Edison Company; also necessary security installations, such as, by way of illustration, but not limitation: line fence gates, and guard house structures will be subject to the review and approval of the Detroit Edison 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 lot abutting on said vacated street shall request the removal and/or relocation of any existing electric light conduits and/or electric power conduits, poles and/or lines, handholes, manholes or other Detroit Edison Company facilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by Detroit Edison Company, the utility owners.

FIFTH, that if any utility located in said property shall break or be damaged as 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 Detroit Edison Company utilities; and further

PROVIDED, That before any construction shall be permitted within the vacated (outright) part of Guoin Street, described above, "Doring, Inc./UAW-GM" and/or "The River Place, a Grand Heritage Hotel" (if necessary), the abutting owner(s) shall apply to the Buildings and Safety Engineering Department for a building permit; and further

PROVIDED, That "Doring, Inc./UAW-GM", the abutting owner(s), shall grant the Detroit Edison Company ("Edison") a satisfactory easement for the proposed Edison underground conduit and electric power cable(s) across property owned by "Doring, Inc./UAW-GM", and Guoin Street. After said easement has been reviewed and accepted by Edison, the said grant of private utility easement shall be conveyed by a properly executed document, containing a legal description suitable for recording. Additionally, the Survey Bureau, City Engineering Division-DPW recommends Edison make an independent arrangement to record said executed document in the Wayne County Register of Deeds; 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, K. Cockrel, Jr., S. Cockrel, Hood, Scott, Tinsley-Williams, and President Pro Tem Mahaffey — 7.

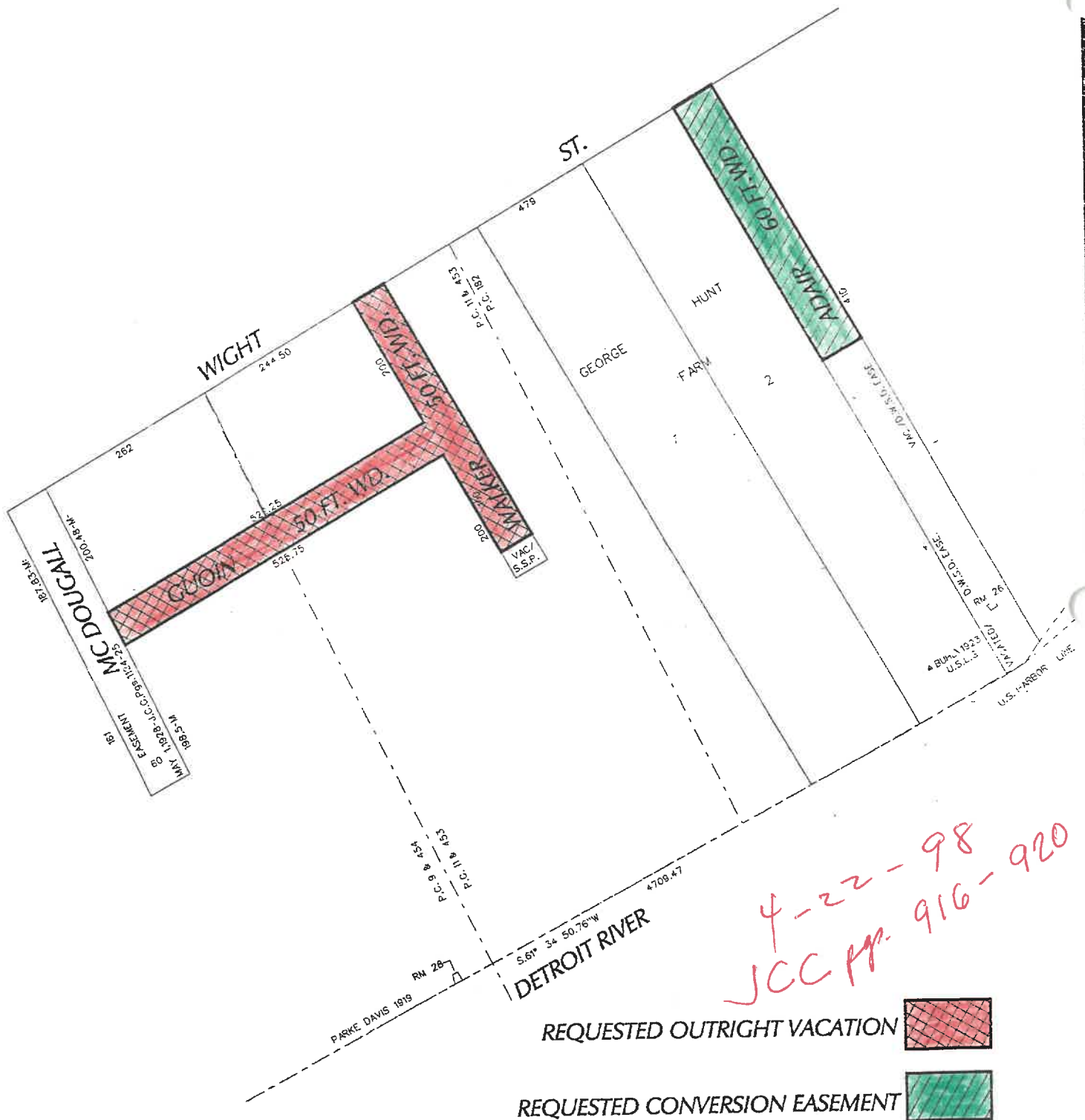
Nays — None.

*WAIVER OF RECONSIDERATION (No. 16) per motions before adjournment.

4-22-98

JCC pp 916-920

PETITION NO. 0093
 DORING INC.
 200 WAILER
 C/O MICHAEL SCHEFKA
 PHONE: 313-962-3400
 FAX: 313-962-3431



CARTO. NO. 38-F
 SCALE 1"=200'

(FOR OFFICE USE ONLY)

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DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
N. PERRY					
DATE	APPROVED				
2-20-98					

REQUESTED OUTRIGHT VACATION OF WALKER 50 FT.WD.,
 GUOIN 50 FT.WD. AND ADAIR 60 FT.WD. STREETS IN THE
 AREA OF WIGHT ST. DETROIT RIVER AND McDOUGAL

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CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X0093.DGN