



July 22, 1998

Honorable City Council

RE: Petition No. 3676 - St. John Hospital and Medical Center
request to vacate to easement Linville Avenue at Kingsville
Avenue.

Petition No. 3676 of "St. John Hospital and Medical Center" requests the conversion of the northern portion of Linville Avenue, 60 feet wide, between Moross Street and Kingsville Avenue to private easement for public utilities.

Traffic Engineering Division-DPW approved the public street closing.

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

St. John Hospital and Medical Center is currently constructing an addition to its West Parking Structure on Moross at Linville to enhance its ability to continue providing state of the art medical care and service to the citizens of Detroit. A new vehicular entrance and exit on the Linville Avenue side of the structure is currently being constructed. Together with the neighboring residents, St. John Hospital wishes to remove the remaining portion of Linville Avenue. St. John Hospital is the owner of all lots abutting Linville Avenue between Kingsville Avenue and McCormick.

Vacation and conversion to easement of the South Portion of Linville and the creation of a cul-de-sac on McCormick has been approved by the Detroit City Council on July 30, 1997 J.C.C. Pgs. 2083-2086.

St. John Hospital has met with residents living on Linville and McCormick as well as the adjacent neighborhoods, including Harper Woods and Grosse Pointe Woods, to better acquaint them with the proposed development and the proposed landscaping plan.

The Public Lighting Department (PLD) has no objections to the proposed conversion to easement. However, PLD has one overhead fed street light on Detroit Edison pole in the proposed easement. PLD will remove the one lighting unit at no cost to the petitioner.

The Detroit Water and Sewerage Department (DWSD) has an existing 15 in. sewer running east and west across Linville and a 8 in. water main in Linville, located 13 feet east of the west property line, between Kingsville and the utility easement south of Kingsville. DWSD has no objection to the requested conversion to easement provided that an easement of the full width of the street is reserved.

DENNIS W. ARCHER, MAYOR



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City departments and privately owned utility companies reported no objections to conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

William Talley
son

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City Engineer

SJ:JDF:ajs

cc: Clyde R. Dowell, Director-DPW
Flexis Sharpe, Mayors' Office

BY COUNCIL MEMBER: _____

RESOLVED, all that remaining part of Linville Avenue, 60 feet wide, between Kingsville Avenue and Moross Road lying easterly of and abutting the east line of lot 236, also lying west of abutting the west line of lot 235 as platted in "Roland Estate Subdivision of Lots 27-28-29 and that Part of Widow's Dower lying northerly of said lots of Partition Plat of Magloire Moross Estate of Part of P.C. 123, City of Detroit and Grosse Pointe Township," City of Detroit, Wayne County, Michigan as recorded in Liber 56, Page 16, Plats, Wayne County Records; (a part of said "Roland Estate Subdivision having been vacated on September 20, 1943 by Wayne County Circuit Court File No. 231, 708 and 231,709).

Be and the same are 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 the 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 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 task, 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 and restricted plant materials; said fence and gate installations shall be subject to the review and approval of the Fire Marshall and Buildings and Safety Engineering Departments, if necessary; also plant materials shall be subject to the review and approval of the Recreation 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 hydrants, catch basins, drains, 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 cost incidental to the repair of such broken or damaged utility; and further

PROVIDED, an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department (DWSD) for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth. Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for the DWSD equipment, including the use of backhoes, bulldozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities. The DWSD retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points of deflection; and further

PROVIDED, said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the DWSD; and further

PROVIDED, that if it becomes necessary to remove the paved street return at the entrance (into Kingsville 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 "St. John Hospital and Medical Center," 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.