

**Department of Public Works
City Engineering Division**

June 1, 1999

Honorable City Council:

Re: Petition No. 1165 — "Center for Creative Studies", requesting vacation of utility easement in vacated Kirby Ave. between John R and Brush Streets.

Petition No. 1165 of "Center for Creative Studies", requests the (outright) vacation of the utility easement, within Kirby Street, 80 feet wide; having been previously vacated and converted into a private easement for public utilities by City Council on November 14, 1972 — J.C.C. page 2805-6. The outright vacation is necessary to permit construction of a new parking deck.

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

The Detroit Water and Sewerage Department (DWSD) reports there is an existing 16" water main in the street to be vacated, Kirby between John R and Brush. DWSD has no objection to the requested vacation provided that the petitioner relocate the 16" water main in accordance with the attached resolution.

The Michigan Consolidated Gas Company (MichCon) reports they have reached satisfactory arrangements with the petitioner for the relocation/modification of its utilities located within the project area for outright vacation of the remaining easement in E. Kirby between Brush and John R.

All other City departments and privately owned utility companies have reported no objections to the proposed vacation of utility easement.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI

City Engineer

By Council Member S. Cockrel:

Resolved, All that part of Kirby Avenue, 80 feet wide, between John R. Street and Brush Street (Kirby Ave. having been vacated and converted to a private easement for public utilities by City Council on November 14, 1972 J.C.C. pages 2805-6) lying between and abutting the front lines of lots 1 to 6 and lots 7 to 12 of "Ferry's Subdivision of Park Lot 40 and of lots 1 to 18, inclusive, of the Farnsworth Subdivision of Park Lots 38 and 39", City of Detroit, Wayne County, Michigan, as recorded in Liber 18, Page 71, Plats, Wayne County Records; and lying south of and abutting the south line of lots 10 to 14, Block 27; north of and abutting the north line of lots 1 to 5, Block 26, all inclusive, of the "Brush Subdivision of that part of the Brush Farm lying between the north line of Farnsworth Street and the south line of Harper Avenue", City of Detroit, Wayne County, Michigan, as recorded in Liber 17, Page 28, Plats, Wayne County Records;

Be and the same hereby vacated (outright) as a public street to become a part and parcel of the abutting property, subject to the following provisions:

Provided, That the petitioner shall relocate and construct the proposed water

mains and make the connections to the existing water mains as required by the Detroit Water Sewerage Department (DWSD) prior to construction of the proposed buildings; and further

Provided, That the plans for the water mains shall be prepared by a registered engineer; and further

Provided, That DWSD be and is hereby authorized to review the drawings for the proposed water main and to issue permits for the construction of the water mains; and further

Provided, That the entire work is to be performed in accordance with the plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

Provided, That the entire costs of the water main construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, That the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

Provided, That the petitioner shall grant to the City a satisfactory easement for the water mains; and further

Provided, That the Board of Water Commissions shall accept and execute the easement grant on behalf of the City; and further

Provided, That upon satisfactory completion of the water main construction, the water mains shall be City property and become part of the City system; and be it further

Provided, That the petitioner enters into a contract with the Michigan Consolidated Gas Company for the relocation/modifications of its utilities; and be it further

Resolved, That at any time in the future it becomes necessary to remove the paved street returns at the entrance to the street to be vacated, and new sidewalk and curb constructed, said construction shall be done by City permit and inspection and according to City Engineering Division — DPW specifications and the entire costs of said construction be borne by the petitioner, 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, K. Cockrel, Jr., S. Cockrel, Everett, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 8.

Nays — None.

DATE JUNE 9, 1999

J.C.C. PAGE(S) 1671-1672

