

Department of Public Works  
City Engineering Division  
September 21, 1999  
Honorable City Council:  
Re: Petition No. 2342. — "Lutheran Brothers, Inc.," requesting conversion to easement(s) of Wabash Street and a public alley in the area bounded by 14th St., Lafferty Pl., Howard and Porter.

Petition No. 2342 of "Lutheran Brothers, Inc." requests the conversion of Wabash Street (variable width) and the north-south public alley, 20 feet wide, in the area bounded by 14th Street, Lafferty Place, Howard Street and Porter Street into easement(s) for public utilities.

The requested conversion(s) was approved by the Planning and Development Department. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

Lutheran Brothers, Incorporated intends to expand its existing business by increasing its loading docks, as well as, providing a landscaped secured parking environment.

This project is within the "Empowerment Zone" and the "West Side Industrial Park."

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

The adoption of the attached resolution is recommended.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer

By Council Member S. Cockrel:

Resolved, All that part of Wabash Street, variable width, between Howard Street and New York Central Railroad lying easterly of and abutting the east line

of lots 136-147, both inclusive, as platted in "The Subdivision of Part of Godfrey Farm P.C. 726 between Howard & Marquette Sts." as recorded in Liber 4, Page 17 Plats, Wayne County Records; Also lying westerly of and abutting the west line of lots 6-10, both inclusive, as platted, in "Plat of Subn of Lot 10 of the Subn of the Estate of P. Trudell on the Lafferty Farm being part of Lot 3 N. of Fort St. of the Subn of the Lafferty Farm" as recorded in Liber 1, Page 135, Plats, Wayne County Records; Also lying westerly of that part of Wabash vacated July 16, 1946 (Wabash Avenue confirmed October 4, 1869);

Also, All that part of the north-south public alley, 20 feet wide, in the block bounded by 14th Street, Porter Street, Howard Street and Wabash Avenue, lying easterly of and abutting the east line of lots 148-161, both inclusive, as platted in "The Subdivision of Part of Godfrey Farm P.C. 726 between Howard & Marquette Sts." as recorded in Liber 4, Page 17, Plats, Wayne County Records;

Be and the same are hereby vacated as a public street and alley and are hereby converted into a public easement of the full width of the street and alley, which easement shall be subject to the following

covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of said street and alley 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 and alley 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 or alley 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 alley 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 fences; 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 or alley 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 cost incidental to the repair of such broken or damaged utility; and further,

PROVIDED, That if it becomes necessary to remove the paved alley or street at

their entrances 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, An easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing 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, and further,

PROVIDED, Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department 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; and further,

PROVIDED, The Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide posts over its water mains at reasonable intervals and at points of deflection; 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:

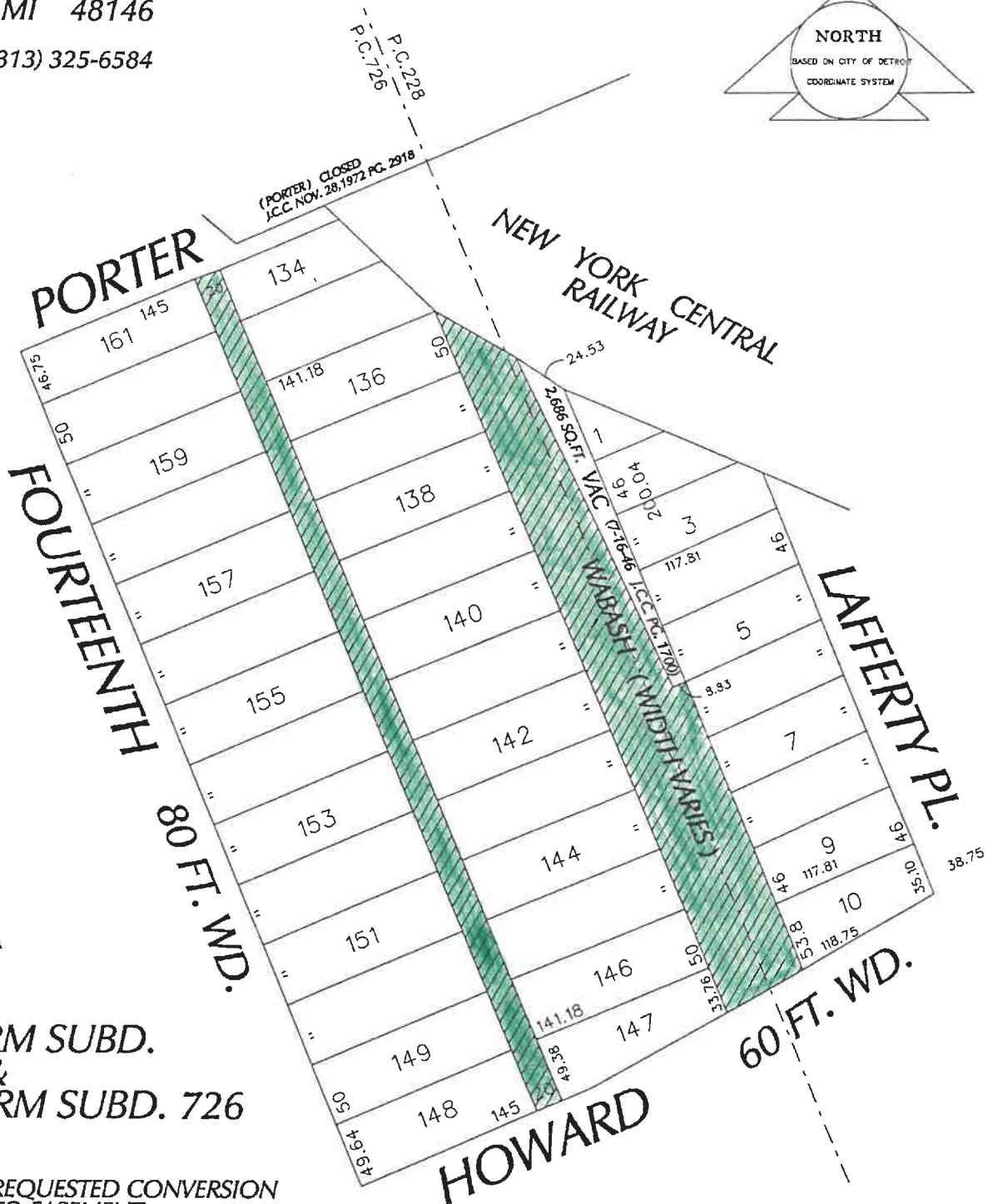
Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.  
Nays — None.

PETITION No. 2342  
 LUTHERAN BROTHERS, Inc.  
 JOSEPH LUTHERAN - PRESIDENT  
 c/o DENNIS M. TOTH  
 1362 LIBERTY  
 LINCOLN PARK, MI 48146

PHONE: 1-(313) 325-6584

REVISED

JUNE 4, 1999



CARTO# 18A

LAFFERTY FARM SUBD.  
 OF L 10 &  
 GODFRAY FARM SUBD. 726

 REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

SCALE: N.T.S.

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	LGS	CHECKED	JDF		
DATE	3-10-99	APPROVED			

REQUESTED CONVERSION TO EASEM'T OF  
 WABASH ST. (WIDTH VARIES), & THE N-S  
 ALLEY (20 FT. WD.), NORTH OF HOWARD  
 AVE., IN THE BLOCKS BOUNDED BY N.Y.  
 CENTRAL RAILWAY, PORTER, FOURTEENTH,  
 HOWARD AND LAFFERTY PLACE.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X2342.DGN