

**Department of Public Works  
City Engineering Division  
August 2, 1999**

Honorable City Council:  
Re: Petition No. 3637 — Planning and Development Department "Art Center Urban Renewal District" requesting certain alley closures in the area of Brush, E. Ferry, Hendrie and Chrysler Freeway Service Drive.

Petition No. 3637 of the Planning and Development Department (P&DD) requesting the conversion of certain public alley rights-of-way in the area bounded by Brush, E. Ferry, Hendrie and the Chrysler Service Drive into easement(s) for public utilities.

To develop properties in the "Art Center Urban Renewal District" it is necessary to close certain public alley(s) in order to create viable parcels of land for future development.

The public alley closings were approved by the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

Necessary provisions protecting utility installations are incorporated into the resolution.

Satisfactory arrangements have been made with all City departments and privately owned utility companies.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer

By Council Member S. Cockrel:

Resolved, All that part of the east-west public alley 20 feet wide, in the block bounded by Palmer Avenue, 60 feet wide, St. Antoine Street, 50 feet wide, Hendrie Avenue, 60 feet wide and the Chrysler Freeway Service Drive lying northerly of and abutting the north line of lots 14-16, inclusive, and lying southerly of and abutting the south lines of lots 1 & 2; as platted in "Ferry and Lyster's Subdivision of blocks G, H, I, J and the north 1/2 of block F, Chas. Moran Farm", Detroit, Wayne County, Michigan as recorded in Liber 12, Page 36, Plats, Wayne County Records; Also, lying northerly of and abutting the north line of lots 5-8, inclusive; and lying southerly of abutting the south line of lots 1-4 block 42, inclusive; as platted in "Ferry and Lyster's Subdivision of blocks 39 to 45, inclusive, Antoine Beaubien Farm between Harper and Ferry Avenues", Detroit, Wayne County, Michigan as recorded in Liber 12, Page 43, Plats, Wayne County Records; Also

All that part of the east-west public alley 20 feet wide, in the block bounded by Beaubien Street, 50 feet wide, Ferry Avenue 80 feet wide, Palmer Avenue 60 feet wide and St. Antoine Street, 50 feet wide lying southerly of and abutting the south line of lots 1-5, inclusive; and lying southerly of and abutting the south line of

lots 1-5, inclusive; and lying northerly of and abutting the north line of lots 6-10 inclusive, block 40; as platted in "Ferry and Lyster's Subdivision of blocks 39 to 45 inclusive, Antoine Beaubien Farm between Harper and Ferry Avenues", Detroit, Wayne County, Michigan as recorded in Liber 12, Page 43 Plats, Wayne County Records; Also, the south 20 feet of the north 24.39 feet of lot 6 (deed to the City of Detroit by J. Owen et al., December 5, 1992) as platted in the "Subdivision of Out Lot No. 197, L. Beaubien Farm into 1/4 acre lots", Detroit, Wayne County, Michigan, as recorded in Liber 1, Page 178, Plats, Wayne County Records; Also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Brush Street 60 feet wide, Beaubien Street, 50 feet wide, Ferry Avenue, 80 feet wide, and Palmer Avenue, 60 feet wide lying northerly of and abutting the north line of lots 1-5, inclusive, and lying southerly of and abutting the south line of lots 6-10, inclusive, as platted in "Palmer's Subdivision of part of Out Lot 196 of the L. Beaubien Farm", Detroit, Wayne County, Michigan as recorded in Liber 8, Page 52, Plats, Wayne County, Michigan as recorded in Liber 8, Page 52, Plats, Wayne County Records; Also lying northerly of and abutting the north line of lot 7, block 28, as platted in "Brush's Subdivision of that part of the Brush Farm lying between the north line of Farnsworth St. and the south line of Harper Ave.", Detroit, Wayne County, Michigan as recorded in Liber 17, Page 28, Plats, Wayne County Records; Also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Brush Street, 60 feet wide, Beaubien Street, 50 feet wide, Palmer Avenue, 60 feet wide; lying northerly of and abutting the north line of lots 11-15, inclusive as platted in "Palmer's Subdivision of part of Out Lot 196 of the L. Beaubien Farm", Detroit,

Wayne County Michigan as recorded in Liber 8, Page 52, Plats, Wayne County Records; also, lying southerly of and abutting the south line of lots 6 & 7 and lying northerly of and abutting the north line of lots 8 & 9, block 29, as platted in "Brush's Subdivision of that part of the Brush Farm lying between the north line of Farnsworth St. and the south line of Harper Ave.", Detroit, Wayne County, Michigan, as recorded in Liber 17, Page 28, Plats, Wayne County Records;

Be and the same are hereby vacated as public alley(s) and are hereby converted into public easement(s) of the full width of the alley(s), which easement(s) shall be subject to the following covenants and agreements, uses, reservations and regulation which shall be observed by the owners of the lots abutting on said alley(s) 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 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 street herein above described shall be forever accessible to the maintenance and inspection forces of the utilities 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 installation shall be subject to the review and approval of the Fire Marshal and the 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 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 alley return at the entrances, such removal and construction of new curb, pavement and sidewalk shall be done under city permit and inspection according to the City Engineering Division

PETITION No. 3637

— 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, a necessary for the alteration or repair of the sewer or water facilities; and further

Provided, The Detroit Water and Sewerage Department retains the right to install suitable permanent main location guides 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.

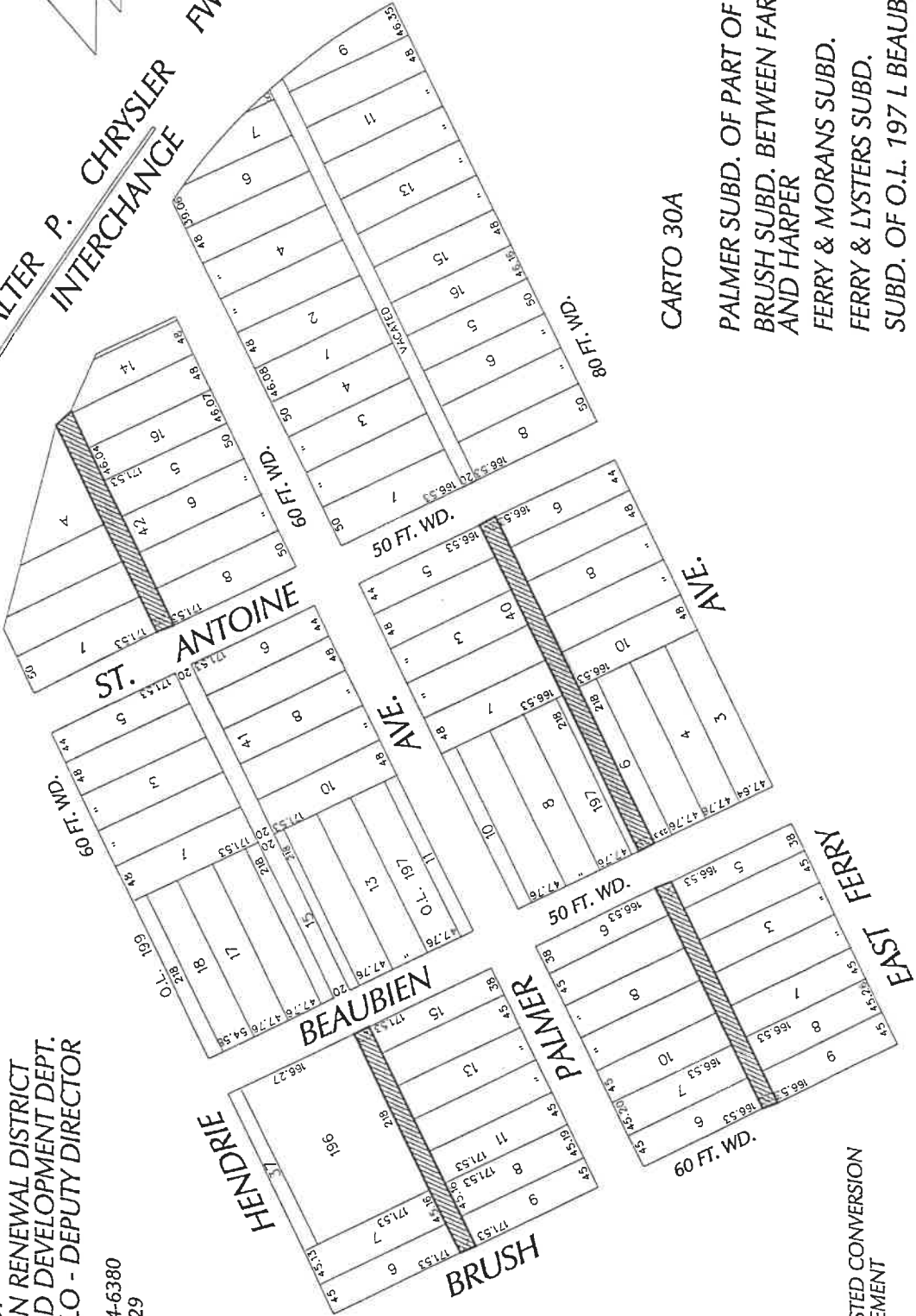
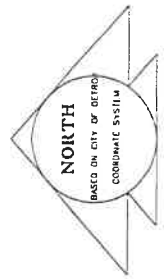
DATE AUGUST 4, 1999

J.C.C. PAGE(S) 2427-2429

PETITION No. 3637  
 ART CENTER URBAN RENEWAL DISTRICT  
 c/o PLANNING AND DEVELOPMENT DEPT.  
 JOSEPH VASSALO - DEPUTY DIRECTOR

PHONE: (313) 224-6380  
 FAX: (313) 224-1629

WALTER P. CHRYSLER  
 INTERCHANGE  
 FWY.



REQUESTED CONVERSION  
 TO EASEMENT



CARTO 30A

PALMER SUBD. OF PART OF O.L. 196 (PLATS)  
 BRUSH SUBD. BETWEEN FARNSWORTH  
 AND HARPER  
 FERRY & MORANS SUBD.  
 FERRY & LYSTERS SUBD.  
 SUBD. OF O.L. 197 L BEAUBIEN FARMS

(FOR OFFICE USE ONLY)

SCALE: N.T.S.

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU  
 JOB NO. 01-01  
 DRAWG. NO. X3637.DGN

REQUESTED CONVERSION TO EASEMENTS OF FOUR (4) E-W ALLEYS IN THE BLOCKS  
 BOUNDED BY HENDRIE, BRUSH, E.FERRY and WALTER P. CHRYSLER FREEWAY

DATE	BY	REVISION	CHKD	APPD	DATE
12-7-1998	LCS		JDF		