

**Department of Public Works  
City Engineering Division  
May 11, 2000**

Honorable City Council:

Re: Petition No. 1573 — Aunt Mid Produce Company, requesting vacation of W. Lafayette in the area of Springwells and the Grand Trunk Railroad.

Petition No. 1573 of "Aunt Mid Produce Company" 7939 West Lafayette, Detroit, Michigan 48209, requests for the conversion of West Lafayette Street, 50 feet wide, between Springwells Street, 66 feet

wide, and the New York Central Railroad into a private easement for public utilities.

The request was approved by the Solid Waste Division — DPW, and 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.

The petitioner plans to use the paved street return entrance (into Springwells Street) and request such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies have reported no objections to the 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,

SUNDAY JAIYESIMI

City Engineer

By Council Member Everett:

Resolved, All that part of West Lafayette Street, 50 feet wide, between Springwells Street and New York Central Railroad, lying southerly of and abutting the south line of Lot(s) 77, 82, 83 and the vacated alley, 20 feet wide, and lying northerly of and abutting the north line of Lot(s) 72-76, both inclusive, of "Sage's Subdivision of Lot 1 of the Subdivision of O.L. 5 of the Subdivision of the Ship Yard Tract and Lot 14 and the north 208.89 feet of Lot 13 of the Subdivision of P.C. 718", Township of Springwells, Wayne County, Michigan as recorded in Liber 9, Page 77 Plats, Wayne County Records; Also, that part of Lafayette Street, 50 feet wide, abutting the south line of the east 258.73 feet of Lot 285 and abutting the north line of the east 330.07 feet of Lot 285 (confirmed by court December 19, 1912; referred to council December 31, 1912) of "Rathbone's Subdivision of O.L. 4 of the Subdivision of the Ship Yard Tract", Springwells, Wayne County, Michigan as recorded in Liber 11, Page 42 Plats, Wayne County Records.

Be and the same is hereby vacated as a public street and is hereby converted into private a 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 easement of 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 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,

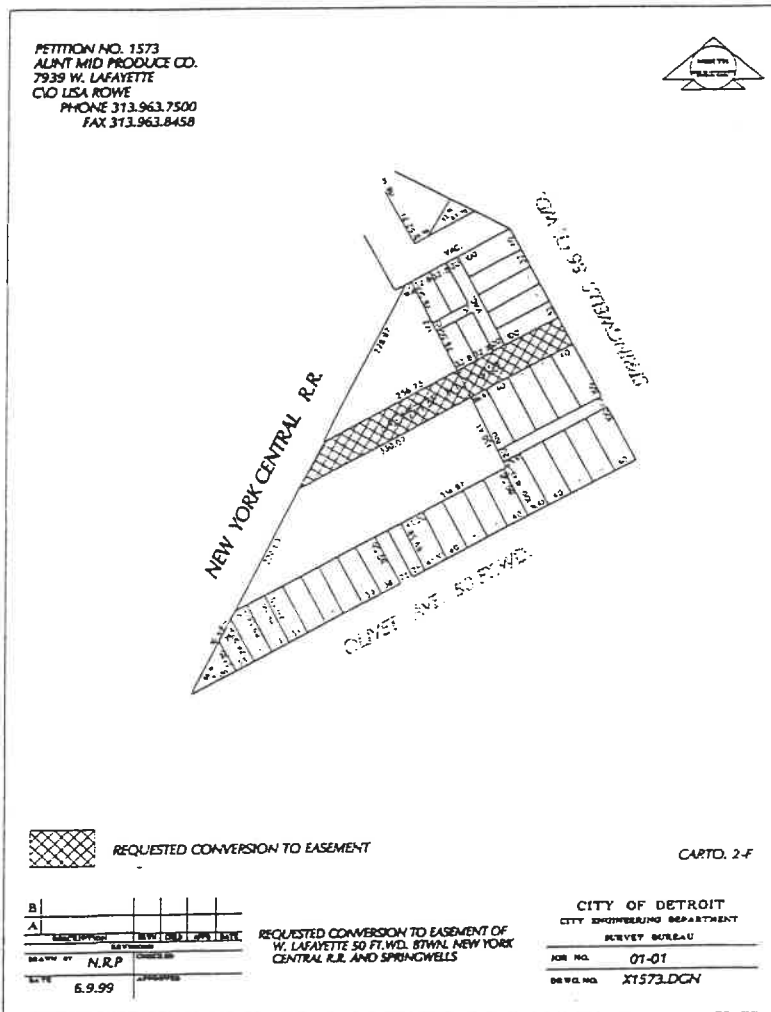
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering 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 said 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 the entrance (into Springwells 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 heir or assigns; and be it 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 K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 8.  
Nays — None.

MAY 17, 2000 J.C.C. Pgs. 1/33-35

