

33 Department of Public Works  
City Engineering Division

July 26, 2000

Honorable City Council:

Re: Petition No. 1667. Airtec Corporation  
— The Monahan Company. Utility  
Easement to Vacation. Hawthorne  
lying between the Chrysler Freeway  
and Grand Trunk Railroad.

Petition No. 1667 of "Airtec Corporation  
(together with the Monahan Company,  
contractors) requests the (outright) vaca-  
tion of the existing utility easement being  
all of Hawthorne Avenue, 30 feet wide,  
lying between and abutting the westerly  
line of the Chrysler Freeway service drive  
and the easterly line of the Grand Trunk  
Railroad right-of-way [said public street  
having been previously vacated and con-  
verted into a private easement for public  
utilities by City Council on May 31, 1978  
— J.C.C. pages 1544-45]. A building  
expansion is planned.

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

Detroit Edison Company must retain an  
easement, 30 feet wide, to maintain utility  
services to the site.

DWSD requires the relocation of a pub-  
lic sewer line(s) and the abandonment of  
a water main. Airtec Corporation will sub-  
mit design plans to the Water and  
Sewerage Department (DWSD) for review  
and approval. All costs for plan review  
associated with the protection of public  
sewer services at the site, including but  
not limited to inspection and permits, will  
be paid by the "Airtec Corporation" and/or  
their contractors.

All other involved city departments and  
privately owned utility companies report-  
ed no objections to the outright vacation.

Provisions protecting certain utility instal-  
lations are part of the resolution.

I am recommending adoption of the  
attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW  
By Council Member Hood:

Resolved, All of Hawthorne Avenue, 30  
feet wide, lying between and abutting the  
westerly line of the Chrysler Freeway ser-  
vice drive and the easterly line of the  
Grand Trunk Railroad right-of-way; said  
public street having been previously  
vacated and converted into a private  
easement for public utilities by City  
Council on May 31, 1978 — J.C.C. pages  
1544-45; lying easterly of and abutting the  
southeastern line of Lots 446 through 449  
of "Kiefer Homes Subdivision of part of  
Southeast Quarter of Northwest Quarter  
of Section 12 and part of Northeast  
Quarter of Southwest Quarter of Section  
12, Town 1 South, Range 11 East", [lying  
east of the D.G.H. & M.R.R., Greenfield  
Township] City of Detroit, Wayne County,  
Michigan as recorded in Liber 34, Page  
14 of Plats, Wayne County Records; also  
lying westerly of and abutting part of the  
northwestern line of part of Lot 4, and  
Lots 1 through 3 of "Jerome Park  
Subdivision of part of Southeast Quarter  
of Section 12 and Lots 22 and 23 of  
Wilcox's Subdivision of West part of  
Section 13 and East part of Section 14,  
Town 1 South, Range 11 East, Greenfield  
(Township)," City of Detroit, Wayne  
County, Michigan as recorded in Liber 12,  
Page 52 of Plats, Wayne County Records;

Be and the same is hereby vacated  
(outright) as a private easement for public  
utilities to become part and parcel of the  
abutting property; subject to the following  
provisions, necessary rights for Detroit  
Edison Company and/or Water and  
Sewerage Department, building and use  
restrictions:

Provided, That a private utility ease-  
ment for the existing services of Detroit  
Edison Company is hereby retained over  
said vacated Hawthorne Avenue, 30 feet  
wide, lying between and abutting the  
westerly line of the Chrysler Freeway ser-  
vice drive and the easterly line of the  
Grand Trunk Railroad right-of-way;

First, Said owners hereby retains for  
the use of Detroit Edison Company an  
easement or right-of-way over said vacat-  
ed public street herein above described  
for the purpose of maintaining, repairing,  
removing, or replacing existing utility ser-  
vices such as electric light conduits, poles  
and/or electric power cable or things  
installed by Detroit Edison Company with-  
in said vacated Hawthorne Avenue, with  
the right to ingress and egress at any time  
to and over said easement for the pur-  
pose above set forth,

Second, Said retained utility easement  
or right-of-way in and over vacated  
Hawthorne Avenue shall be forever  
accessible to the maintenance and  
inspection forces of the Detroit Edison  
Company, or those specifically authorized  
by them, for the purpose of inspecting,  
maintaining, repairing, removing, or  
replacing existing electric light conduit,  
and/or electric power cable, or light pole  
or any Detroit Edison Company utility  
facility placed or installed in the utility  
easement or right-of-way. The Detroit  
Edison Company 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 Detroit  
Edison Company shall use due care in  
such crossing or use, and that any prop-  
erty damaged by the utility company,  
other than that specifically prohibited by  
this resolution, shall be restored to a sat-  
isfactory 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 by written permission of the  
Detroit Edison Company; also necessary  
security installations, such as, by way of  
illustration, but not limitation: line fence,  
gates, and guard house structures shall  
be subject to the review and approval of  
the Detroit Edison Company] 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 retained utility easement  
shall request the removal and/or reloca-  
tion of any existing poles or other Detroit  
Edison Company utilities in said ease-  
ment, such owners, shall pay all costs  
incidental to such removal and/or reloca-  
tion, unless such charges are waived by  
the Detroit Edison Company, the utility  
owners,

Fifth, That if any Detroit Edison  
Company 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 lim-  
itation) 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 inci-  
dental to the repair of such broken or  
damaged Detroit Edison Company utili-  
ties; and further

Provided, That before any construction  
shall be permitted within the vacated (out-  
right) part of the private easement for  
public utilities, mentioned above, Airtec

Corporation, shall apply to the Buildings  
and Safety Engineering Department for a  
building permit. Simultaneously, the  
Airtec Corporation and/or their contrac-  
tors shall submit said building plans to the  
Detroit Water and Sewerage Department  
(DWSD) for review and approval; and fur-  
ther

Provided, That the Airtec Corporation  
(Petition No. 1667) as part of the outright  
vacation of the existing utility easement  
being all of Hawthorne Avenue, 30 feet  
wide, lying between and abutting the  
westerly line of the Chrysler Freeway ser-  
vice drive and the easterly line of the  
Grand Trunk Railroad right-of-way [said  
public street having been previously  
vacated and converted into a private  
easement for public utilities by City  
Council on May 31, 1978 — J.C.C. pages  
1544-45] shall relocate the existing sew-  
ers located therein; and further

Provided, That the DWSD is hereby  
authorized to review the drawings for the  
relocation of sewer lines and to issue a  
permit for construction; and further

Provided, That the plans for the reloca-  
tion of sewer lines shall be prepared by a  
registered engineer; and further

Provided, That the entire work is to be  
performed in accordance with plans and  
specifications approved by the DWSD  
and be constructed subject to the inspec-  
tion and approval of the DWSD; and fur-  
ther

Provided, That the entire cost of the  
sewer construction, including inspection,  
survey and engineering shall be borne by  
the Airtec Corporation; and further

Provided, That the Airtec Corporation  
shall deposit with the DWSD, in advance  
of engineering, inspection and survey,  
such amounts as that Department deems  
necessary to cover the cost of these ser-  
vices; and further

Provided, That the Airtec Corporation  
shall grant the Water and Sewerage  
Department through the Board of Water  
Commissioners (for and on behalf of the  
City of Detroit) a satisfactory easement for  
the sewer lines across property owned by  
the Airtec Corporation before the start of  
construction; and further

Provided, That the Board of Water  
Commissioners shall accept and execute  
the easement grant on behalf of the City  
of Detroit. After said easement has been  
reviewed and accepted by the Board of  
Water Commissioners (for and on behalf  
of the City of Detroit), then said grant of  
sewer line(s) easement shall be conveyed  
by a properly executed document, con-  
taining a legal description suitable for  
recording. Additionally, the Water and  
Sewerage Department shall record said  
executed document in the Wayne County  
Register of Deeds; and further

Provided, That upon satisfactory com-  
pletion of the sewer line construction, the  
sewer line(s) shall be City of Detroit prop-  
erty and become part of the city system;  
and further

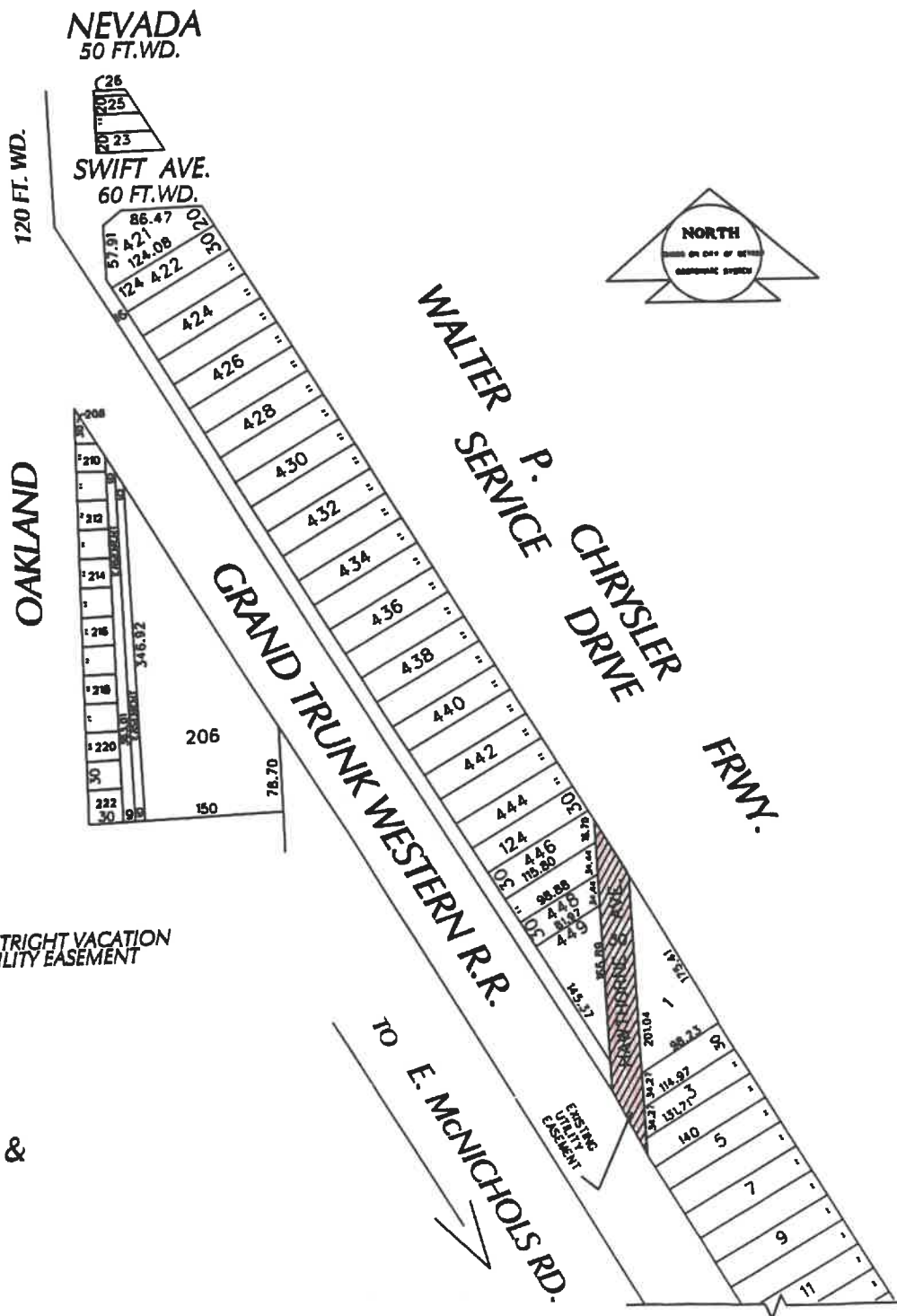
Provided, That the existing sewers and  
water mains located in the existing utility  
easement [being all of Hawthorne  
Avenue, 30 feet wide, lying between and  
abutting the westerly line of the Chrysler  
Freeway service drive and the easterly  
line of the Grand Trunk Railroad right-of-  
way (said public street having been previ-  
ously vacated and converted into a pri-  
vate easement for public utilities by City  
Council on May 31, 1978 — J.C.C. pages  
1544-45)] which is being vacated outright  
(as part of Petition No. 1667 of Airtec  
Corporation) are to be abandoned as City  
sewers and water mains to become the  
responsibility of the Airtec Corporation;  
and be it further

Resolved, The City Clerk shall within 30  
days record a certified copy of this resolu-  
tion with the Wayne County Register of  
Deeds.

J.C.C. Pgs. 2243-45  
SEPT. 20, 2000

PETITION No. 1667  
AIRTEC CORPORATION  
c/o DAVID LARSON  
THE MONAHAN CO.  
21321 KELLY RD., SUITE 100  
EASTPOINTE, MI 48021

PHONE: (810) 499-3567  
FAX: (810) 774-2530



CARTO # 36E & 36F  
KIEFER HOMES SUBD. &  
JEROME PARK (PLATS)

SCALE: N. T. S.

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION					
REVISIONS					
DRAWN BY	LGS	CHECKED	JDF	DATE	
DATE	7-09-99	APPROVED			

REQUESTED OUTRIGHT VACATION OF EXISTING  
UTILITY EASEMENT IN THE BLOCK BOUNDED BY  
W.P. CHRYSLER FRWY. SERVICE DR., SWIFT AVE.,  
GRAND TRUNK WESTERN RAILROAD AND EAST  
McNICHOLS ROAD

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X1667.DGN