

**CITY OF DETROIT**  
OFFICE OF THE CITY CLERK

Jackie L. Currie  
City Clerk

Vernon C. Allen  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

November 5, 2003

To: The Department or Commission Listed Below

From: Jackie L. Currie  
Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

/PUBLIC WORKS - CITY ENGINEERING DIVISION/  
/PLANNING AND DEVELOPMENT DEPARTMENT/

2078 Mack-Conner Associates, LLC, request to vacate and convert to easement (Old) Mack Ave. north of (New) Mack between Conner Ave. and Anderdon Ave.

**RECEIVED**  
CITY ENGINEERING DIV.-DPW  
NOV 17 2003

By \_\_\_\_\_

200 Coleman A. Young Municipal Center • Detroit, Michigan 48226-3400  
(313) 224-3260 • Fax (313) 224-1466

CARTO 63 C

Handwritten initials: CED - J. Currie

2078

October 20, 2003

Honorable City Council  
Coleman A. Young Municipal Center  
Two Woodward Avenue, Room 200  
Detroit, MI 48226

RE: REQUEST TO VACATE THE REMAINDER OF  
OF OLD MACK AVENUE AT CONNER AVENUE

To the Honorable Council:

Mack-Conner Associates, LLC is requesting a petition to vacate and convert to easement that part of (Old) Mack Avenue, north of (New) Mack Avenue between Conner Avenue and Anderson Avenue. The vacation would make it possible to improve the vacant land with a parking lot to service the adjoining business. Provisions would be made to maintain access for any uses required by the utilities. We thank you for your consideration of this request.

Respectfully submitted,



Sylvia Sheiby Bradley  
Representative for Mack-Conner Associates, LLC  
313.961.7884  
243 W. Congress Rd.  
Suite 350 (Rm. 12)  
Detroit, MI 48226

cc: James Foster, City Engineering Div./DPW

29 OCT 03 4: 15

--CITY CLERK--

July 14, 2004

Honorable City Council:

RE: Petition No. 2078 – Mack/Conner Associates, L.L.C., request to vacate and convert to easement the (Old) Mack Ave. lying north of (New) Mack Ave. between Conner and Anderdon.

Petition No. 2078 of "Mack/Conner Associates, L.L.C.", in c/o BVS, Ltd., 243 W. Congress, Suite 350, Rm. 12, Detroit, Michigan 48226-3214 request the conversion of (old) Mack Avenue, variable width, lying northerly of (new) Mack Avenue, 109 feet wide, between Conner Avenue, 86 feet wide, and Anderdon Avenue, 60 feet wide, into a private easement for public utilities.

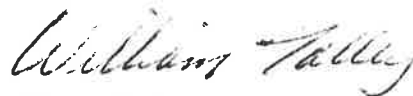
The request was approved by the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The requested portion of (old) Mack Avenue is no longer required as public right-of-way, due to the relocation and construction of (new) Mack Avenue.

All 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,



William Talley, Head Engineer  
City Engineering Division – DPW

JDF: jdf

cc: James A. Jackson, Director – DPW  
Eddie McDonald, Mayor's Office

BY COUNCIL MEMBER: \_\_\_\_\_

RESOLVED, All that part of (old) Mack Avenue, (variable width), northerly of (new) Mack Avenue, 109 feet wide, between Conner Avenue, 86 feet wide, and Anderdon Avenue, 60 feet wide, described as lying southwesterly of and abutting the southwest line of Lots 20, 28, the vacated public alley, 35.08 feet wide, of "Assessor's Plat of Hendrie's Private Plat of Conner and Mack Aves. Sub'n of part of P.C. 322", City of Detroit, Wayne County, Michigan, as recorded in Liber 65, Page 75 of Plats, Wayne County Records, and lying southwesterly of a Triangular portion of P.C. 322 lying southerly of and adjoining Lot 28 of said "Assessor's Plat of Hendrie's Private Plat" as recorded in Liber 65, Page 75 of Plats, Wayne County Records; Also, lying northerly of and abutting the north and northeasterly line of Lot 35 of "Jefferson-Conner Industrial Subdivision No.1" being part of Private Claim 322, City of Detroit, Wayne County, Michigan, as recorded in Liber 111 of Plats, Pages 1, 2 & 3, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private 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 a 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 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, concrete slabs or driveways, 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,

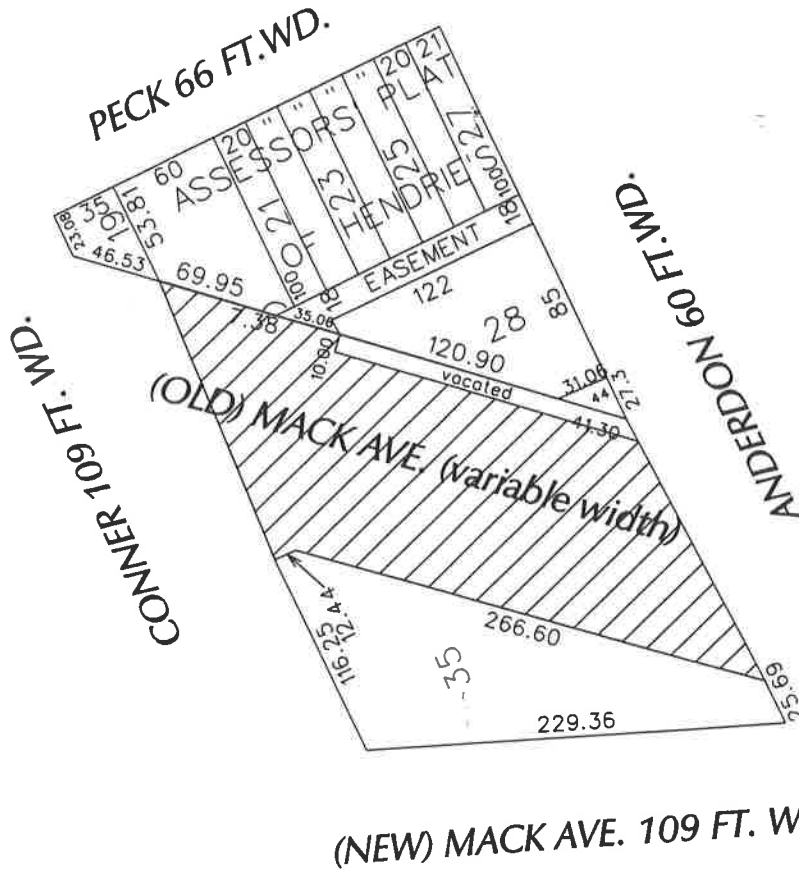
Fourth, That if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 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 street returns at the entrances (into Conner and Anderdon Ave's), 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 further

PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 2078  
 MACK-CONNER ASSOCIATES, LLC  
 c/o SYLVIA SHELBY BRADLEY  
 REP. FOR MACK-CONNER PROJECT  
 243 W. CONGRESS, SUITE 350  
 PHONE NO. 313-961-7884



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 63 C

<b>B</b>					
<b>A</b>					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
DATE	APPROVED				
NP	1-27-04				

REQUESTED CONVERSION TO EASEMENT  
 OLD MACK AVENUE, 120 FT. WD., IN THE  
 BLK BND. BY CONNER, ANDERDON, PECK,  
 AND NEW MACK AVE.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x2078.dgn