

February 7, 2007

Honorable City Council:

RE: Petition No. 972 – Donald E. Rem, request to vacate a portion of Minneapolis Avenue at 4116 Bluehill Avenue.

Petition No. 972 of “Donald E. Rem” whose address is 4116 Bluehill Avenue, Detroit Michigan, request conversion of the South 35.00 feet wide by 122.06 feet length (recorded) of Minneapolis Avenue, 85.37 feet wide (Deeded to the City of Detroit on May 21, 1957 JCC Pages 1139-40) between Bluehill Avenue, 30 feet wide and Guilford Avenue, 60 feet wide into a private easement for utilities. The request is to facilitate the petitioner to place fence around the above mention area. The fence area will provide more security to the home, Garden and provide a place for his dog to roam. The petitioner states in a letter address to the City Council that his Wife and he have maintained and kept others from dumping trash on this vacant area.

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

The Traffic Engineering Division – DPW reports no objections to the petitioner request provided that a minimum clearance of 15.00 feet shall be maintain between the south curb of Minneapolis Avenue and any fence that may be installed in the requested area of easement.

The Public Lighting Department (PLD) reports having an overhead street lighting circuit running across the requested easement area. Any structure proposed to be built shall maintain 4-½ feet horizontal clearance from the PLD conduit bank and manholes and also 10 feet horizontal clearance for the overhead PLD lines and installations. The contractor will be liable for any damages to any PLD underground Facilities.

All other city departments and private utility companies have reported no objection to the conversion of the public right-of-way into a private easement for utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in black ink that reads "Nadim Haidar". The signature is written in a cursive style with a large initial 'N'.

Nadim Haidar, Acting Head Engineer
City Engineering Division – DPW

NRP/

Cc: Cathy Square, Director – DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, All that part of the South 35.00 feet of Minneapolis Avenue, 85.37, between Bluehill Avenue, 30 feet wide, and Guilford Avenue, 60 feet wide, lying Northerly of and abutting the North line of Lot 30 (Deeded to the City of Detroit on May 21, 1957 JCC Pages 1139-40) all in the "Farmer's Subdivision" of Lot 23 Estate of Michael Cadieux Private Claims 506 and 564, Grosse Pointe Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 38 Page 28, Plats, 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 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 easements, 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 a minimum clearance of 15.00 feet shall be maintain between the south curb of Minneapolis Avenue and any fence that may be installed in the requested area of easement; and further

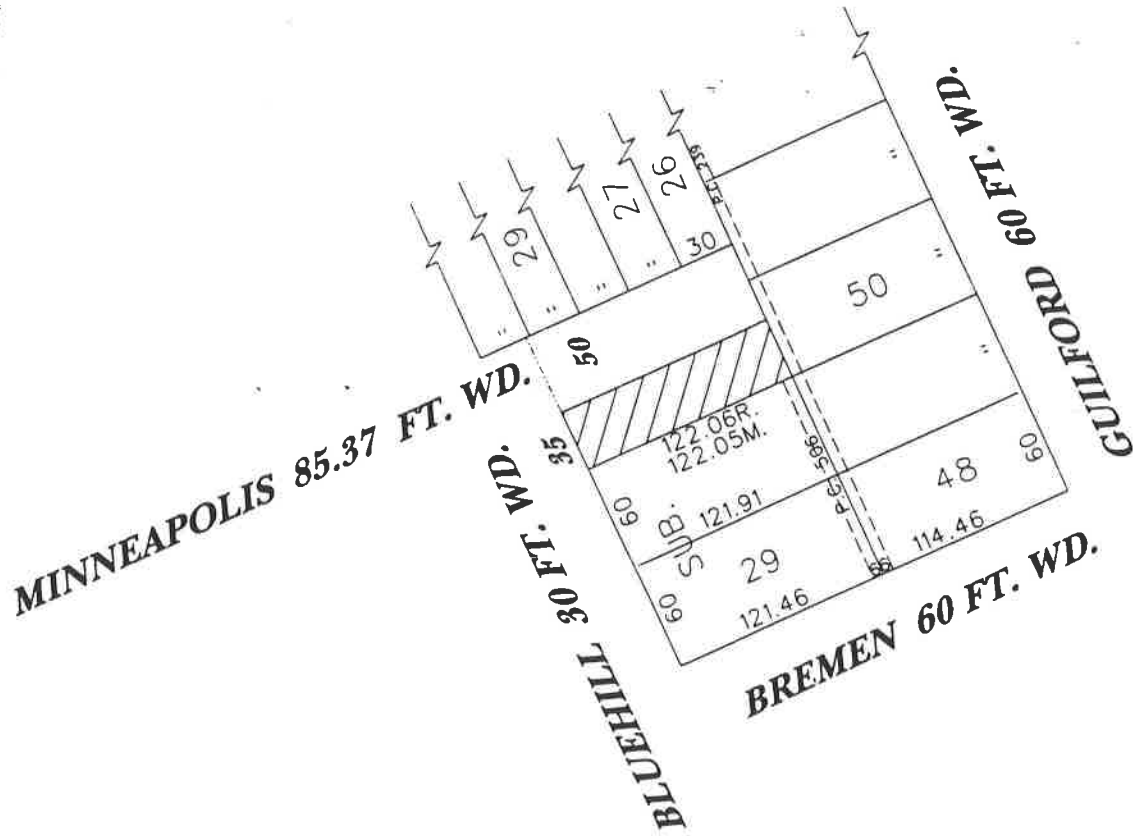
PROVIDED, That any structure proposed to be built shall maintain 4 ½ feet horizontal clearance from the PLD conduit bank and manholes and also 10 feet horizontal clearance for the overhead PLD lines and installations. The contractor will be liable for any damages to any PLD underground Facilities.

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

RESOLVED, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following described parcel of land for the fair market value and/or other valuable consideration:

Land in the City of Detroit, Wayne County, Michigan being that part of the South 35.00 feet of Minneapolis Avenue, 85.37, between Bluehill Avenue, 30 feet wide, and Guilford Avenue, 60 feet wide, lying Northerly of and abutting the North line of Lot 30 (Deeded to the City of Detroit on May 21, 1957 JCC Pages 1139-40) all in the "Farmer's Subdivision" of Lot 23 Estate of Michael Cadieux Private Claims 506 and 564, Grosse Pointe Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 38 Page 28, Plats, Wayne County Records;

PETITION #972
4116 BLUEHILL ST.
DETROIT, MI 48228
c/o DONALD E. REM
PHONE #313-885-7548
CELL #313-310-8964



 **-REQUESTED CONVERSION TO EASEMENT**

(FOR OFFICE USE ONLY)

CARTO 70f

B						REQUESTED CONVERSION TO EASEMENT THE SOUTH 35 FT. WD. OF MINNEAPOLIS AVE. 85.37 FT. WD. EAST OF BLUEHILL AVE. 30 FT. WD.	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A								JOB NO. 01-01
DESCRIPTION <small>REVISIONS</small>		DRWN	CHKD	APPD	DATE			DRWG. NO. x972.dgn
DRAWN BY <i>ahb</i>		CHECKED						
DATE <i>11/28/06</i>		APPROVED						