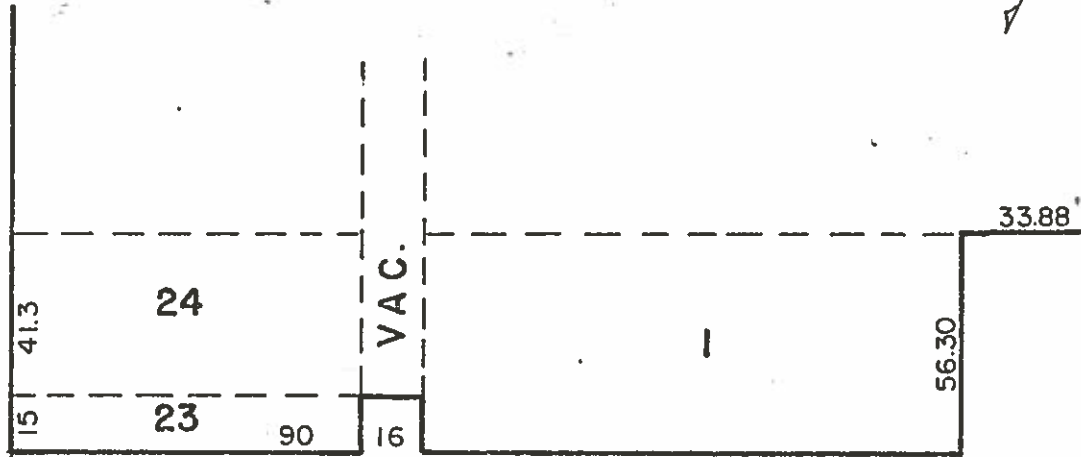


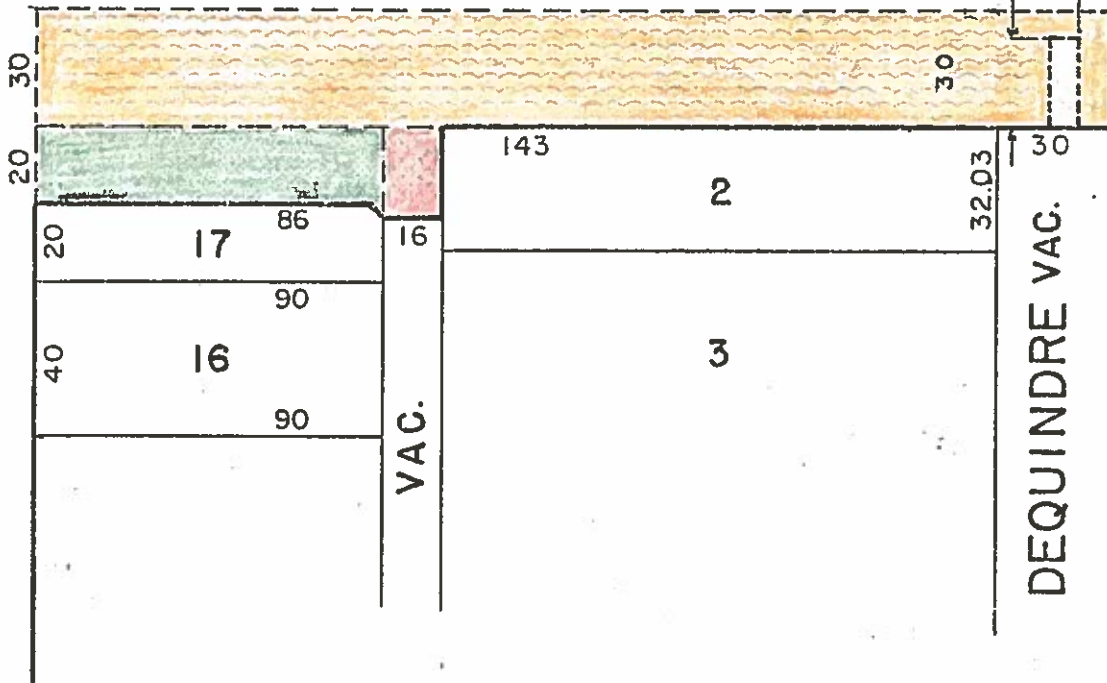
PETITION NO. 3169  
 CROWN PACKING CO.  
 2900 ORLEANS  
 PHONE 832-2900

AVE.



WILKINS AVE.

ORLEANS



ENCROACHMENT 

TEMP. CLOSING 

EASEMENT 

VACATE WITH SEWER EASE. 

SCALE 1" = 50'  
 TOPO NO. 39D

City Engineering Department  
January 19, 1976

Honorable City Council:

Re: Petition No. 3119 -- Crown Packing Company Vacation, Temporary Closing and Encroachment.

The above petition requests the conversion to easement for public utilities of the east-west alley south of Wilkins, east of Orleans; the vacation of the remaining portion of north-south alley, south of Wilkins and east of Orleans; the temporary closing of the southerly 30 feet of Wilkins between Orleans and the Grand Trunk Railroad right of way; and permission to encroach into the temporarily closed right of way with a portable loading dock.

The above requests were approved by the Community and Economic Development Department.

The petition was referred to us for investigation and report. Our report is as follows:

**Public Lighting Department:** The petitioner has deposited \$1,575.00 for the estimated cost to relocate street lighting facilities from the area to be temporarily closed.

An easement is reserved in the vacating resolution for the Michigan Bell Telephone Company and the Detroit Metro Water Department for the maintenance of their facilities located in the remaining portion of north-south alley to be vacated.

All other involved City departments and privately owned utility companies reported that they have no objections to the proposed changes provided proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
HERMAN T. DUDLEY  
Director

Approved:  
JAMES WATTS  
Director  
Environmental Protection  
& Maintenance Dept.

By Council Member Cleveland:

**RESOLVED,** That all that part of the east-west public alley, 20 feet wide, south of Wilkins and east of Orleans, having been deeded for alley purposes on December 29, 1926 (J.C.C. page 821) and described as: "All that part of lot 17 of Lingenman's Subdivision of part of Outlot 7, Dequindre Farm, as recorded in Liber 1, Page 240 of Plats of Wayne County records, more particularly described as: Beginning at a point at the N.W. corner of Lot 17 of last mentioned subdivision, said point also being the intersection of the easterly line of Orleans Street, 40 feet wide, as now established with the southerly line of Wilkins Street, 65 feet wide, as now established; thence N. 64 deg. E. along the south line of Wilkins Street, 65 feet wide 90 feet to the easterly line of said lot 17; thence along the said easterly line of lot 17, S. 26 deg. E., 24 feet to a point; thence along a line N. 71 deg. W. 5.66 feet to a point; thence along a line south S. 24 deg. W., 86 feet to a point; in the easterly line of Orleans Street, 40 feet wide, as now established; thence along the said easterly line of Orleans N. 26 deg. W., 20 feet to the place of beginning.

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, 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 alley 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 alley hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as

ducts 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 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) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the City Engineering Department.

**THIRD,** that if at any time in the future the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

**PROVIDED FURTHER,** that if any utility located or to be located in said property shall break or be damaged as a result of any action on the part of the petitioner or assigns (by way of illustration but not limitation), such as storage of excessive weights of materials or construction not in accordance with Section 2, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and be it further

**RESOLVED,** That all that part of the north-south public alley, 16 feet wide, not previously vacated south of Wilkins and east of Orleans being a part of the following subdivisions:

"Lingenman's Subdivision" of part of Outlot 7, Dequindre Farm, as recorded in Liber 1, Page 240, Plats, Wayne County records; and the

Plat of part of Outlot 7 of the Dequindre Farm as recorded in Liber 16 on pages 189, 230 and 243 of City records

Be and the same is hereby vacated as a public alley and is hereby converted into an easement of the full width of the alley, 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 alley and by their heirs, executors, administrators and assigns, forever to wit:

**FIRST,** said owners hereby grant to and for the use of the Michigan Bell Telephone Company and the Detroit Metro Water Department an easement or right of way over said vacated public alley hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as sewers, telephone 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 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) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Michigan Bell Telephone Company and the Detroit Metro Water Department.

**THIRD,** that if at any time in the future the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

**PROVIDED FURTHER,** that if any utility located or to be located in said property shall break or be damaged as

illustration but not limitation), such as storage of excessive weights of materials or construction not in accordance with Section 2, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and be it further

**RESOLVED,** That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permit to Crown Packing Company to close the southerly 30 feet of Wilkins Avenue, 65 feet wide, between Orleans and Wilkins, all inclusive of the last two mentioned subdivisions, on a temporary basis for a period not exceeding three (3) years and to expire on January 21, 1979;

**PROVIDED,** That petitioner shall be subject to any tax which may be levied against him pursuant to law with regard to such use of public property, and further

**PROVIDED,** Petitioner furnishes an Agreement, in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the Finance Department, and further

**PROVIDED,** That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds by and at the permittee's expense, and further

**PROVIDED,** That the petitioner shall install parking bumpers according to plan No. 1002-2 Sheet G-1 as revised, said bumpers to be installed at the petitioner's expense.

**PROVIDED,** all cost of construction shall be borne by the petitioner.

**PROVIDED,** The City of Detroit retains all rights and interests in the area herein temporarily closed;

**PROVIDED,** The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed street; and further

**RESOLVED,** That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue to the Crown Packing Company permits to construct a portable truck unloading dock which encroaches into the temporarily closed portion of Wilkins Avenue as described.

An encroachment into Wilkins being 8 feet by 24 feet located in the southerly 30 feet of Wilkins and 8 feet west of the west line of the Grand Trunk Railroad right of way.

**PROVIDED,** That no right in the public street shall be considered waived by this permission which is granted expressly on the condition that the facility in connection therewith shall be removed at the expense of the grantee at any time it is necessary to work on any of the utilities located in the street; and further

**PROVIDED,** If at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said street by the acceptance of this permission, the owners for themselves, their heirs, and assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Environmental Protection and Maintenance Department at the owners' expense; and further

**PROVIDED,** That at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, the public property affected shall be restored to a condition satisfactory to the City Engineering Department, by and at the permittee's expense, and further

**PROVIDED,** This resolution is revo-

The City Council, upon receipt of the grantee acquires no implied or other privileges or benefits, not expressed herein.

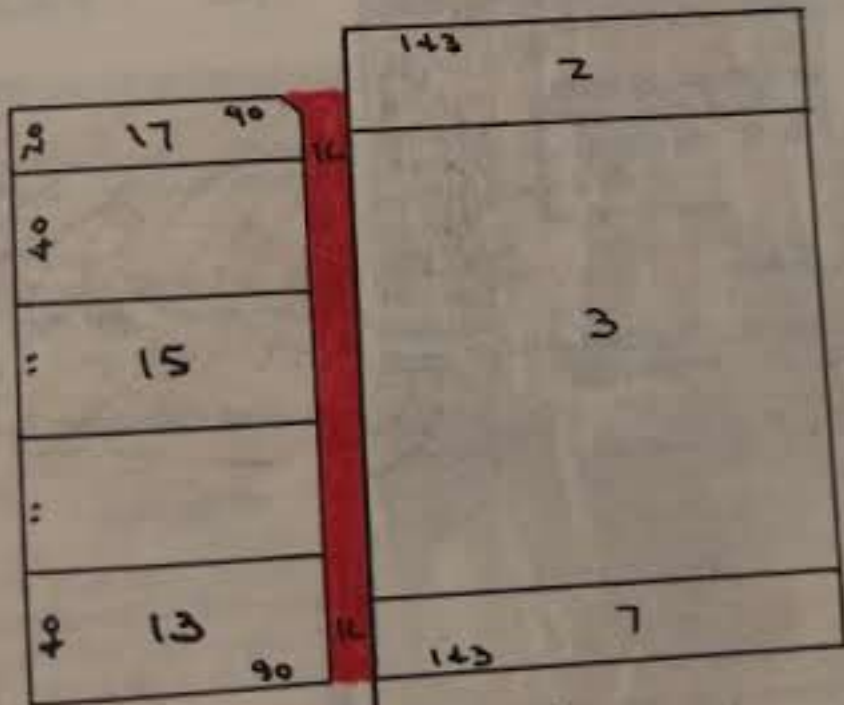
Adopted as follows:  
Yeas -- Council Members Brink, Cleveland, Richardson, Henderson, H. Kelley, Rogell, and President Le -- 8.  
Nays -- None.

JANUARY 21, 1976

J.C.C. PGS. 103-05

WILKINS ST. 65' WD.

ORLEANS ST. 50' WD.



DEQUINDOR ST. VAC.

BREWSTER ST. 50' WD. (VAC.)

Department of Public Works

August 10, 1959.

Honorable Common Council:

Gentlemen—We are returning herewith the petition of Crown Packing Company, et al. No. 4033, requesting the vacation of the north-south public alley first east of Orleans Street between Wilkins and Brewster Streets. The vacation of said alley was approved by the City Plan Commission and was then referred to this office by your Committee of the Whole for investigation and report.

We wish to advise that our investigations are completed.

As per our directive the petitioner deposited with the City Treasurer, the sum of \$249.57, Receipt No. A-7843, credited to the Street Maintenance Fund Code No. 143-6241, said amount being the original cost of paving the south  $\frac{1}{2}$  of Wilkins Street and the north  $\frac{1}{2}$  of Brewster Street at the intersection of the alley to be vacated.

The petitioner requested that the paved alley return at the entrance of the alley to be vacated, at Brewster Street, remain in its present status as the petitioner plans to utilize same, and has agreed, by letter filed with the original petition to pay all costs incidental to the removal of the return at such time in the future as the removal becomes necessary.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewer located in the above-mentioned alley to be vacated.

All other City departments and privately owned utilities

Be  
as a  
and  
subje

1)  
vacat

ley,  
waive  
there  
the m  
if fo  
said  
same.

2)  
to be  
the s

iron  
or en  
concre  
such  
specifi  
of the  
under  
of the  
and al  
the pe  
signs a

3) P  
be cor  
out th  
ing co

into the vacating resolution protecting the City's interests in the sewer located in the above-mentioned alley to be vacated.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said alley or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,

Commissioner.

By Councilman Wise:

Resolved, That all of the north-south public alley, 16 feet wide east of Orleans Street between Wilkins and Brewster Streets, said alley being in fact the west 16 of Plat of part of Outlot 7 of the Dequindre Farm as recorded in Liber 16, Pages 189, 230 and 243 of City Records and more particularly described as lying east of and adjoining the east line of Lot 13 to 16 both inclusive and east of and adjoining the east line of the south 20 feet of Lot 17 of Lingeman's Subdivision of part of Outlot 7 Dequindre Farm as recorded in Liber 1, Page 240 of Plats Wayne County Records said alley being a portion of public alley condemned and confirmed by Court on March 14, 1870.

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property subject to the following provisions:

1) Provided, That by reason of the vacation of the above-described alley, the City of Detroit does not waive any rights to the sewer located therein and at all times shall have the right to enter upon the premises, if found necessary, on account of said sewer to repair, alter, or service same, and further

2) Provided, That if a building is to be constructed over said sewer, the sewer shall be replaced with cast iron pipe of the same size, rerouted or encased in 6 inches in Class "A" concrete, or in lieu of the above, such work shall be done as will be specified by the City Engineer, all of the work mentioned to be done under the supervision and inspection of the Department of Public Works and all costs entailed, to be borne by the petitioners, their successors, or assigns and further

3) Provided, That no buildings shall be constructed over said sewer without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further

4) Provided, That in the event that the sewer located in said alley, if built upon, shall break causing damage to any construction above, the petitioner and their assigns, by acceptance of the permit for building over said sewer, waive all claims for damages to such construction and

requesting  
south pub-  
rleans Street  
wster Streets.  
lley was ap-  
Commission  
to this office  
he Whole for  
our investi-  
he petitioner  
Treasurer, the  
No. A-7843,  
Maintenance  
said amount  
of paving the  
reet and the  
Street at the  
to be vacated.  
sted that the  
the entrance  
ted, at Brew-  
ts present sta-  
lans to utilize  
by letter filed  
on to pay all  
he removal of  
e in the future  
es necessary.  
re incorporated  
olution protect-  
ts in the sewer  
mentioned alley  
tments and pri-  
companies re-  
ll be unaffected  
aid alley or that  
atisfactory agree-  
itioner regarding  
erein.  
e adoption of the  
submitted,  
RICHARDS,

to repair, alter, or service same, and further

2) Provided, That if a building is to be constructed over said sewer, the sewer shall be replaced with cast-iron pipe of the same size, rerouted or encased in 6 inches in Class "A" concrete, or in lieu of the above, such work shall be done as will be specified by the City Engineer, all of the work mentioned to be done under the supervision and inspection of the Department of Public Works and all costs entailed, to be borne by the petitioners, their successors, or assigns and further

3) Provided, That no buildings shall be constructed over said sewer without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further

4) Provided, That in the event that the sewer located in said alley, if built upon, shall break causing damage to any construction above, the petitioner and their assigns, by acceptance of the permit for building over said sewer, waive all claims for damages to such construction and agree to pay all costs incident to the repair of said broken sewer; and further

Resolved, That at any time in the future the removal of the paved alley return at the entrance of the vacated alley becomes necessary, the entire cost of such removal shall be paid by the Crown Packing Company, their heirs, executors, administrators and assigns.

Adopted as follows:

Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Rogell, Smith, Van Antwerp, Wise and President Beck—9.  
Nays—None.

50  
O'Brien's