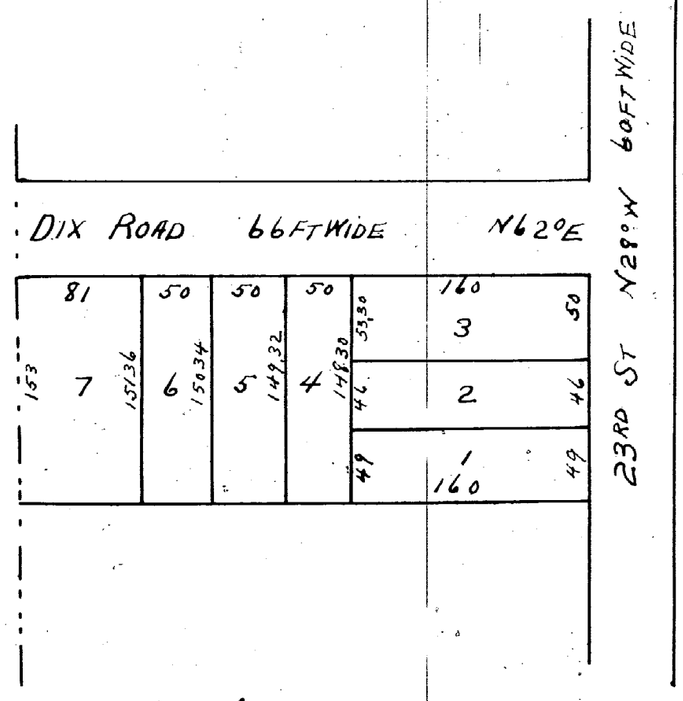
10058

PLAT OF SUBDIVISION OF THE NORTHERLY TWO ACRES OF OUT LOT No 49 PORTER FARM LYING SOUTH OF DIX ROAD



Approved Sept 23. 67
E N Brush } Commissioners
N P Baldwin } Plan of the City

This is to certify that the above plat has been compared with the original plat of record in the office of Register of Deeds of Wayne County and found to be a true copy of the same
A W Willmarth
Surveyor

Received for Record Sep 25, 1867 at 4 O'clock P.M.
WE Warner Regr.

I certify the above to be correct from actual Survey
Sept 4th 1867 In presence of John F Munro LS
Joseph T Lowry Sur

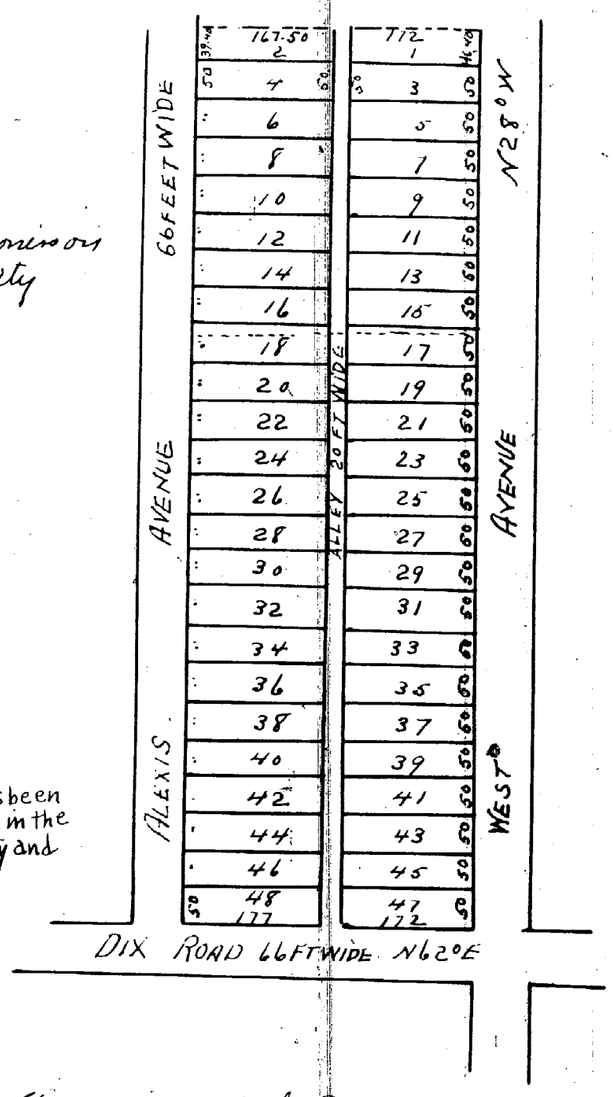
State of Michigan } ss
Wayne County } On this Fourth day of September in the year one thousand eight hundred and Sixty seven before me the subscriber a Notary Public in and for said County, personally appeared John F Munro to me known to be the same person described in and who executed the above certificate and acknowledged the same to be his free act and deed
(Stamp 5¢)
Joseph T Lowry Notary Public
Wayne Co Mich

Know all Men by these presents that we Ira B F Damon and Lovina A Damon of Detroit Wayne County Michigan do hereby dedicate to the public the perpetual use of the streets on the Plat hereto annexed. Witness our hands and seals this Fourth day of September A.D. 1867
In presence of
Joseph T Lowry
R N Van Winkle
Ira B F Damon LS
Lovina A Damon LS

State of Michigan } On this fourth day of September one thousand
Wayne County } eight hundred and sixty seven before me the Subscriber a Notary Public in and for said County personally appeared Ira B F Damon + Lovina A Damon to me known to be the same persons described in + who executed the above instrument who severally acknowledged the same to be their free act + deed + the said Lovina A. Damon wife of the said Ira B F Damon on a private examination by me separate + apart from her said Husband acknowledged that she executed the same freely + without any fear of or Compulsion from any one
[Stamp 5¢]
Joseph T Lowery
Notary Public
Wayne Co mich

10059

SCOTTEN AND LOVETTS SUBDIVISION OF LOTS 52, 53 AND 56 AND ALL THAT PART OF LOT 49 LYING NORTH OF THE DIX ROAD SO CALLED OF THE SUBDIVISION OF GEO B. PORTER FARM SITUATED IN THE CITY OF DETROIT MICHIGAN



Approved Sept 23/67
E. A. Brush } Commissioners
N P Baldwin } Plan of the City

This is to certify that the above plat has been compared with the original plat of record in the office of Register of Deeds of Wayne County and found to be a true copy of the same
A N Willmarth

Received for Record Sept 25" 1867 at 4 O'clock P M,
W.E. Warner
Regr

I John F Munro do hereby certify that the above plat is correct by actual survey. Detroit June 18th 1867, witness my hand + seal
In presence of Joseph T. Lowry John F Munro (seal)
R.N. Van Winkle

State of Michigan } ss On this eighteenth day of June in the year one thousand
Wayne County } eight hundred and sixty seven before me the subscriber a Notary Public in and for said County personally appeared John F. Munro to me known to be the same person described in and who executed the above certificate and acknowledged the same to be his free act + deed.
Joseph T Lowry Notary Public
Wayne Co Mich

Know all men by these presents that we Daniel Scotten Elizabeth N Scotten Wm E Lovett and Sarah E Lovett of Detroit Wayne County Michigan do hereby dedicate to the public the perpetual use of the streets and alleys on the Plat hereto annexed reserving to ourselves and our heirs and assigns the reversion thereof Whenever the same may be discontinued by law
Witness our hands + Seals the 1st day of June AD 1867
In presence of
Joseph T Lowry Stamp 5¢ Daniel Scotten LS
R N Van Winkel Elizabeth N Scotten LS
William E Lovett LS
Sarah E Lovett LS

State of Michigan ss Stamp 5¢
Wayne County On this first day of June in the year one thousand eight hundred sixty seven before me the subscriber a Notary Public in and for said County personally appeared Daniel Scotten Elizabeth N Scotten William E Lovett and Sarah E Lovett to me Known to be the same persons described in and who executed the above instrument who severally acknowledged the same to be their free act and deed and the said Elizabeth N Scotten wife of the said Daniel Scotten and Sarah E Lovett wife the said William E Lovett on a private Examination by me separate + apart from their said Husbands acknowledged that they executed the same freely and without any fear of or compulsion from anyone
Joseph T Lowry Notary Public
Wayne Co Mich

I hereby certify that these plats are correct copies of the plats now on record in the Register of Deeds office being made under the supervision of the Auditor General by tracing the plats on record and affixing thereto carefully compared copies of the dedications and certificates
Dated this 2nd day of June 1910 John B Lafountain
Clerk and Ex. Dept.

ClibPDF - www.fastio.com

City Engineering Department
March 22, 1991

Honorable City Council:

Re: Petition No. 2814 — U.S. Truck Company, Inc. Streets and Alleys to Easement Portions of Toledo, 24th, 23rd and adjoining alleys in the area bounded by 25th, 22nd, Ruskin, and the Conrail Railroad right-of-way.

Petition No. 2814 of "U.S. Truck Company, Inc." requests the conversion of a portion of Toledo Avenue (66 feet wide), west of 24th Street; also a portion of 24th Street (50, 55, and 60 feet wide) between Ruskin Avenue and the Railroad; also the remaining portion of 23rd Street (60 feet wide), north of Ruskin; also the remaining north-south and east-west public alleys (both 16 feet wide; in the block bounded by 23rd, 22nd, Ruskin, and the Railroad), into an easement for utilities and Conrail.

The requested conversions were approved by the Community and Economic Development Department (CAEDD) and the Department of Transportation. The petition was brought before the Committee of the Whole on May 10, 1990. Council has concurred with the recommendation of the CAEDD (as stated in a letter from the Council President to the Mayor, dated May 17, 1990). The petition was referred to the City Engineering Department for investigation (utility clearances) and report. This is our report:

The City is obligated by an agreement with the owners of the Railroad (October 2, 1906 — J.C.C. pgs. 1179-83) to maintain the roadway beneath the railroad crossings over 23rd and 24th Streets. However, U.S. Truck has submitted an "Agreement" (dated March 7, 1991) to assume the 1906 roadway maintenance obligations of the City (for and in consideration of the City vacating the requested portions of public streets).

The Consolidated Rail Corporation (Conrail) has consented in a letter to U.S. Truck Company, Inc. (dated February 5, 1991) to the public street closings.

To transfer the 1906 roadway maintenance obligations of the City (and reserve access rights for utilities and Conrail), it is necessary to authorize the Department of Public Works in conjunction with the City Engineering Department to execute (for and on behalf of the City of Detroit) an approved "Agreement", submitted by "U.S. Truck" for this purpose.

Further, the City is owner in fee of three parcels acquired by deed(s) and/or court condemnation(s) to open parts of public streets and widen a public alley. Therefore, the Finance Director must execute quit-claim deeds to transfer portions of the vacated public rights-of-way.

The petitioner plans to use the paved street and alley return entrances (into Ruskin) and requests 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 utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Ravitz:

Whereas, The Consolidated Rail Corporation (Conrail) has consented in a letter to U.S. Truck Company, Inc. (dated February 5, 1991) to the conversion of portions of Twenty-Third and Twenty-Fourth Streets into an easement for utilities and Conrail; and

Whereas, The petitioner, U.S. Truck, for and in consideration of the City vacating the requested portions of public streets, has submitted an agreement to assume the roadway maintenance obligations (beneath the railroad crossings over Twenty-Third and Twenty-Fourth Streets) of the City of Detroit under the October 2, 1906 (J.C.C. pgs. 1179-83) agreement with Michigan Central Railroad Company, predecessor in interest to Conrail; whereby U.S. Truck shall hereafter maintain and repair (or cause to be maintained and repaired at its expense) the roadway, pavement, and sidewalks under said railroad overpasses; therefore be it

Resolved, All that part of Twenty-Third Street, 60 feet wide, north of Ruskin Avenue lying westerly of and abutting the west line of Lots 8 to 10; also lying easterly of and abutting the east line of Lot 11 of the "Plat of A. Groefield's Subdivision of part of Lots 56 and 59, George B. Porter Farm, town 2 South, Range 11 East (Springwells Township)", City of Detroit, Wayne County, Michigan as recorded in Liber 5, Page 52, Plats, Wayne County Records; also all that part of said public street (beneath the railroad right-of-way; 100 feet wide) having been opened in 1883 by Recorder's Court, File #524; also lying westerly of and abutting the west line of Lot B, and the east-west public alley (16 feet wide; north of Ruskin, between 23rd and 22nd); also lying easterly of and abutting the east line of Lot A, and the (vacated) east-west public alley (16 feet wide; north of Ruskin, between 23rd and 24th) of the "Plat (showing alleys) of part of Out Lots 55 and 58, Porter Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 54, Plats, Wayne County Records; also lying westerly of and abutting the west line of Lots 72 to 85; also lying easterly of and abutting the east line of Lots 42 to 55 of the "Plat of the Subdivision of Out Lots 54, 55 and part of 58, Porter Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 10, Plats, Wayne County Records; also

All of the remaining east-west public alley, 16 feet wide, north of Ruskin Avenue between Twenty-Third and Twenty-Second Streets lying southerly of and abutting the south line of Lot B of the "Plat (showing alleys) of part of Out Lots 55 and 58, Porter Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 54, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lot 85, and the westerly 10.00 feet of the north-south public alley (16 feet wide; within said block) of the "Plat of the Subdivision of Out Lots 54, 55 and part of 58, Porter Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 10, Plats, Wayne County Records; also

All of the remaining (not previously vacated) north-south public alley, 16 feet wide, north of Ruskin Avenue between Twenty-Third and Twenty-Second Streets having been platted as the westerly 8.00 feet of the northerly 8.62 feet of Lot 55, and the westerly 8.00 feet of Lots 56 to 61 of the "Plat of Subdivision of Western part of Brevoort Farm being the Easterly 5/12 part of Private Claim 20", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 121, Plats, Wayne County Records (said westerly 8.00 feet of lots and part of lot having been deeded to the City of Detroit for public alley purposes); also lying easterly of and abutting the east line of Lots 72 to 85 of the "Plat of the Subdivision of Out Lots 54, 55 and part of 58, Porter Farm", City of Detroit, Wayne County, Michigan as recded in Liber 6, Page 10, Plats, Wayne County Records; also

All that part of Twenty-Fourth Street (50, 55, and 60 feet wide) lying between and abutting the north line of the Conrail right-of-way (formerly Michigan Central Railroad; 100 feet wide) and the south line extended westerly of Lot 14 of the "Plat of the Subdivision of Out Lots 54, 55, and part of 58, Porter Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 10, Plats, Wayne County Records; including all that part of said public street, 50 feet wide, lying beneath said railroad right-of-way as shown on the (so-called) "Plat Showing Michigan Central Railroad right-of-way across part of the Porter and Brevoort Farms, South of M.C.R.R. main line and East of 24th Street", City of Detroit, Wayne County, Michigan (recorded on Sept. 3, 1906) as recorded in Liber 723, Page 58, Deeds, Wayne County Records; also lying westerly of and abutting the west line of Lot A of the "Plat (showing alleys) of part of Out Lots 55 and 58, Porter Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 54, Plats, Wayne County Records; also lying westerly of and abutting the west line of Lots 14 to 27 of the "Plat of the Subdivision of Out Lots 54, 55 and part of 58, Porter Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 10, Plats, Wayne County Records; also lying easterly of and abutting the east line of the northerly 20.00 feet of Lot 13, and the southerly 40.35 feet of Lot 1, and Lots 3, 5, 7, 9, and 11 as platted in "Scotten and Lovett's Subdivision of Lots 52, 53, and 56 and All that part of Lot 49 lying North of Dix Road (so-called) of the Subdivision of George B. Porter Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 203, Plats, Wayne County Records; also lying easterly of and abutting the east line of Toledo Avenue (66 feet wide), and the northerly 274.80 feet of the southerly 334.55 feet of (Out) Lot 57 of the (so-called) "Plat of part of the late Gov. Porter's Farm as divided into lots by J. Mullett, Surveyor on July 8, 1835 (recorded on July 24, 1835)", City of Detroit, Wayne County, Michigan as recorded in Liber 13, Page 78, Deeds, Wayne County Records; also

All that part of Toledo Avenue, 66 feet wide, lying between and abutting the west line of 24th Street (55 and 66 feet wide) and the west line extended northerly of Lot 1 as platted in "Scotten and Lovett's Subdivision of Lots 52, 53 and 56 and All that part of Lot 49 lying North of Dix Road (so-called) of the Subdivision of George B. Porter Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 203, Plats, Wayne County Records; said part of Toledo Avenue having been opened as a public street on December 14, 1891 by Recorder's Court, File #689, which was affirmed by the (Michigan) Supreme Court on October 27, 1892 (November 15, 1892 — J.C.C. pg. 951);

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

First, said owners hereby grant to and for the use of the public and Conrail an easement or right-of-way over said vacated public streets and alleys herein above described for the purposes of maintaining, installing, repairing, removing, or replacing railroad crossings and 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 or 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 utility and Conrail easement or right-of-way in and over said vacated streets and alleys herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies and Conrail, 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 or railroad crossing placed or installed in or over the utility easement or right-of-way. The utility companies and Conrail 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 and Conrail easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies and Conrail shall use due care in such crossing or use, and that any property damaged by the utility companies and Conrail, other than 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, (except necessary line fence, and the existing railroad crossing structures) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the City Engineering Department,

Fourth, that if the owners of any lots abutting on said vacated streets and alleys shall request the removal and/or relocation of any existing poles or other utilities or railroad crossing(s) 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 and/or Conrail,

Fifth, that if any utility or railroad crossing 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 or railroad crossing, and

Provided, That if it becomes necessary to remove the paved street and/or alley returns at the entrances (into Ruskin Avenue), such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, their heirs or assigns; and further

Provided, The Department of Public Works in conjunction with the City Engineering Department is hereby authorized and directed to draft (or cause to be drafted) and execute (for and on behalf of the City of Detroit) an "Agreement" for U.S. Truck Company, Inc. to assume the roadway maintenance obligations (beneath the railroad crossings over Twenty-Third and Twenty-Fourth Streets) of the City under the October 2, 1906 (J.C.C. pgs. 1179-83) agreement with Michigan Central Railroad Company, predecessor in interest to Conrail; whereby U.S. Truck shall hereafter maintain and repair (or cause to be maintained and repair at its expense) the roadway, pavement, and sidewalks under said railroad overpasses. The Law Department shall approve the "Agreement" as to form and execution, after which said "Agreement" shall be considered confirmed. The City Engineering Department shall record the executed "Agreement" with the Wayne County Register of Deeds; 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; and be it further

Resolved, The Finance Director is hereby directed to issue quit claim deeds to transfer the following three parcels of vacated public rights-of-way, for the fair market value and/or other considerations (NOTE: The three parcels are generally described below, to be more particularly described by approved legal descriptions, suitable for recording, at a later date.):

(1) All that part of the easterly 8.00 feet of the north-south public alley, 16 feet wide, north of Ruskin Avenue between 23rd and 22nd Streets; said portion having been deeded to the City of Detroit for public alley purposes; also

(2) All that part of 23rd Street, 60 feet wide, lying beneath the Conrail Railroad right-of-way (100 feet wide); said portion having been opened as a public street in 1893 by Recorder's Court, File #524; also

(3) All that part of Toledo Avenue, 66 feet wide, lying between and abutting the westerly line of 24th Street (55 and 60 feet wide) and the west line extended northerly of Lot 1 as platted in "Scotten and Lovett's Subdivision of Lots 52, 53 and 56 and All that part of Lot 49 lying North of Dix Road (so-called) of the Subdivision of George B. Porter Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 203, Plats, Wayne County Records; said portion having been opened as a public street on December 14, 1891 by Recorder's Court, File #689, which was affirmed by the (Michigan) Supreme Court on October 27, 1892 (November 15, 1892 — J.C.C. pg. 951).

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hood, Kelley, Ravitz, and President Pro Tem. Hill — 7.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 8) per motions before Adjournment.

STATE OF MICHIGAN) 21 ss (1) SHORT FORM - TRUE COPY
CITY OF DETROIT)

I, JAMES H. BRADLEY, CITY CLERK of the City of Detroit, do hereby certify that the annexed paper is a True Copy of a Resolution

adopted by the City Council on June 19th, 1991

and approved by the Mayor on June 20th, 1991

Detroit Legal News June 24th, 1991

as appears from the ~~record of said City~~ on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City, at Detroit, on

July 2th, 1991

James H Bradley
City Clerk

1 — 21
3 - 359 & 243
4 - 11464
5 - ?
6 - 10059
7 - 7963

10059

10059

10059

No MAP ATTACHED
LI 25214
PA 543
PA 544
RECD 7-21-91

ClibPDF - www.fastio.com

16 X