

SUBDIVISION
 — "OF LOTS 51, 50, 47," —
 — "AND THE NORTH HALF OF 46" —
 — "PORTER FARM" —
 CITY OF DETROIT

N 28° 15' 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City Engineering Department
Honorable City Council: August 5, 1993
Re: Petition No. 3084, Ammex, Inc.
Street to Easement, part of 23rd
between Porter and Lambie Place.

Petition No. 3084 of "Ammex, Inc." requests the conversion of a part of Twenty-Third Street, 80 feet wide, between Porter Street and Lambie Place into an easement for public utilities. (NOTE: The "residential" public alley (20 feet wide; in the block bounded by 24th, 23rd, Porter, and Lambie Place) portion of this petition, will be processed by the Community and Economic Development Department in conjunction with the Law Department under Detroit Code Section 50, Article 6.)

The public street closing request was approved by the Community and Economic Development Department, Traffic Engineering Division - Department of Public Works, and Planning Department. The public street part of the request was referred to the City Engineering Department for investigation (utility clearances) and report. This is our report:

The City is owner in fee of a part of Twenty-Third Street (60 feet wide; between Porter and Lambie Place), having been acquired by deed and/or court condemnation in 1882. Therefore, the Finance Director must execute a quit-claim deed to transfer a part of vacated public right-of-way.

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.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Everett:
Resolved, All that part of Twenty-Third Street, 80 feet wide, between Porter Street and Lambie Place lying westerly of and abutting the west line of the south 24.13 feet of Lot 77, and Lots 75 and 76; also lying easterly of and abutting the east line of Lots 72 thru 74 of the "Subdivision of Lot 51, 50, 47 and the North Half of 46, Porter Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 25, Plats, Wayne County Records; also lying westerly of and abutting the west line of the remaining part of the westerly 149.22 feet of Out Lot 46 of

the "Plat of part of the late Governor Porter's Farm as divided into lots by J. Mullett, Surveyor, July 6, 1835 (recorded July 24, 1835)", City of Detroit, Wayne County, Michigan as recorded in Liber 13, Page 78, Deeds, Wayne County Records; also lying westerly of and abutting the west line of Lots 1 thru 4 of Thomas W. Ward's Subdivision of the westerly 139.44 feet of the Easterly 149.44 feet of the Southerly 106 feet of Out Lot 46, Subdivision of the Porter Farm (except the Southerly 180 feet thereof)", City of Detroit, Wayne County, Michigan as recorded in Liber 15, Page 76, Plats, Wayne County Records; also lying westerly of and abutting the west line of Lots 1 and 2; also lying easterly of and abutting the east line of Lots 19 and 20 of the "Subdivision of Lot 43, G.B. Porter Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 21, Plats, Wayne County Records; also lying easterly of and abutting the east line of the remaining part of the westerly 300.00 feet of Out Lot 46 lying between the south line of said "Subdivision of Lot 51, 50, 47 and the North Half of 46, Porter Farm," as recorded in Liber 1, Page 25, Plats, Wayne County Records; and the north line of said "Subdivision of Lot 43, G.B. Porter Farm," as recorded in Liber 1, Page 21, Plats, Wayne County Records; of the "Plat of part of the late Governor Porter's Farm as divided into lots by J. Mullett, Surveyor, July 6, 1835 (recorded July 24, 1835)", City of Detroit, Wayne County, Michigan as recorded in Liber 13, Page 78, Deeds, Wayne County Records.

Be and the same is hereby vacated as a public street and is hereby converted into a public easement 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 an 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 increase the width of said street to the full width of the street herein above described.

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 tasks, 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, (except necessary line fence) shall be built or placed upon said easement, nor 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 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 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 authorized and directed to issue a quit-claim deed to transfer the following described public street right-of-way to the City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 25, Plats, Wayne County Records; also that part of public alley, 20

Land in the City of Detroit, Wayne County, Michigan being all that part of Twenty-Third Avenue, 60 feet wide, between Porter Street and Lambie Place (having been opened as a public street in 1882, Recorder's Court File No. 508; resolution of necessity adopted by City Council on December 13, 1881 - J.C.C. page 618); said portion of Twenty-Third Avenue having been platted as easterly 60.00 feet of the westerly 360.00 feet of the southerly 198.00 feet of Out Lot 46 of the "Plat of the part of the late Governor Porter's Farm as divided into lots by J. Mullett, Surveyor, July 6, 1835 (recorded July 24, 1835)" as recorded in Liber 13, Page 78, Deeds, Wayne County Records, containing 11,800 square feet or 0.2727 acres more or less; subject to an easement for existing public utilities.

Adopted as follows:
Yeas - Council Members Butler, Cleveland, Everett, Hood, Kelley, and President Pro Tem Hill - 6.
Nays - Council Member Ravitz - 1.

Community & Economic Development Department
November 30, 1993
Honorable City Council:

Re: Petition #3084, Ammex, Inc., requesting permission to close public alley between Twenty-Third and Twenty-Fourth streets bounded by Porter Street and Lambie Place into an easement for public utilities.

The above mentioned Petitioner has requested permission to convert a public alley into an easement for public utilities. It is the opinion of the Community and Economic Development Department that the Petitioner's request be granted.

Respectfully submitted,
HENRY B. HAGOOD
Director

By Council Member Everett:
Resolved, Land in the City of Detroit, County of Wayne, Michigan being all that part of the North South Public Alley, 20 feet wide bounded by Twenty Fourth Street on the East, by Porter Street on the South, and by Lambie Place on the North, and being more particularly described as follows:

All that part of the public alley, 20 feet wide dedicated to the use of the public and lying westerly of and adjoining lots 69 thru 74, also lying easterly of and adjoining lots 1 thru 6 of the "Subdivision of Lot 51, 50, 47, and the North Half of 46, Porter Farm," as recorded in Liber 1, Page 25 of Plats, Wayne County Records; also that part of public alley, 20

feet deeded to the City of Detroit and recorded in Liber 371, Page 88 of Deeds, on December 19, 1890, Wayne County Records, Circuit Court File No. 508 1882, J.C.C., July 24, 1882, being part of the South one-half of lot 46 of the "Plat of part of the late Governor Porter's Farm as divided into lots by J. Mullett, Surveyor, July 6, 1835" as recorded in Liber 13, Page 78 of Deeds, Wayne County Records; also that part of public alley, 20 feet wide, dedicated to the use of the public, and lying westerly of and adjoining lots 13 thru 20, also lying easterly of the adjoining lots 21 thru 28 of the "Subdivision of Lot 43 G. B. Porter Farm," as recorded in Liber 1, Page 21 of Plats, Wayne County Records.

Resolved, That the City Engineering Department be and is hereby authorized and directed to issue a permit to Ammex, Inc., owner of the property adjoining the alley herein concerned, to extend the closing of 20 feet wide alley 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:

Provided, That Petitioner shall be subject to any tax which may be levied against it pursuant to law with regards to such use of public property; and further

Provided, Petitioner first furnished an agreement, in a 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 a said permit, and providing for the faithful performance by the grantee of the same hereof, and files same with the Finance Department; and further

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

Provided, That no building or other structure is constructed in said easement, that Petitioner shall observe the rules and regulations of the City Engineering Department subject to the following provision: that if owners of any lots abutting on said easement 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; and further

Provided, That if any utility located in said easement shall break or be damaged as a result of any action on the part of said owners or assign (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with City Code Section 50-6-3 mentioned above, then in such event said owners or assignee shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

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

Provided, That grantee acquires no implied nor other privileges hereunder not expressly stated herein.

Adopted as follows:
Yeas - Council Members Butler, Cleveland, Everett, Hood, Kelley, and President Pro Tem Hill - 6.
Nays - Council Member Ravitz - 1.

STATE OF MICHIGAN) ss. SHORT FORM - TRUE COPY CERTIFICATE
CITY OF DETROIT)

I, Vernon C. Allen, DEPUTY 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 December 1st, 1993

and approved by the Mayor on December 7th, 1993

Detroit Legal News December 7th, 1993
as appears from the JOURNAL of said City Council, on file in my office.

MAD ATTACHED
LI 27092
PA 094
REC'D JAN 10, 1994

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

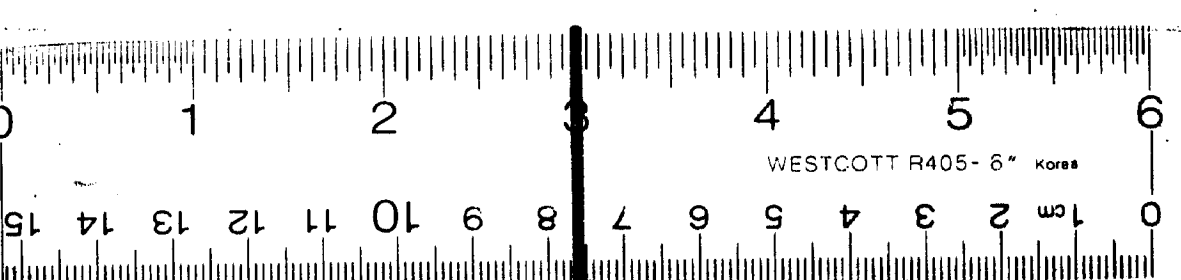
January 5, 1994

Vernon C. Allen
Deputy City Clerk

APR 7 1994

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