

**Department of Public Works
City Engineering Division**

January 30, 2007

Honorable City Council:

Re: Petition No. 219 — Golder Associations, Inc./Tireman I, LLC, Tireman II, LLC and Tireman III, LLC, for the alley closure in the area of Milford Avenue and Epworth Avenue.

Petition No. 219 of "Golder Associations, Inc./Tireman I, LLC, Tireman II, LLC and Tireman III, LLC", request for the conversion of the Milford Avenue, 60 feet wide, between Epworth Avenue and The Railroad right-of-way, and a portion of the North-South public alley, 20 feet wide, into private easements, also requesting that the Honorable City Council accept an easement over the petitioner's land for an alley outlet all in area of Milford Avenue, 60 feet wide, West Warren Avenue, 100 feet wide, Epworth Avenue, 80 feet wide, and the Railroad right-of-way, 60 feet wide. This request is to facilitate the construction of a Parts Galore. This development will include a retail store, administrative office, vehicle inventory area, vehicle processing area and maintenance facility. This construction of a New Parts Galore will employ 30-40 people and handle 18,000 people monthly on the 26.6-acre facility.

The request was approved by the Solid Waste Division — DPW, and 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.

All City departments and privately owned utility companies have reported no objections to conversion of public rights-of-way into private easements for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

NADIM HAIDAR

Acting Head Engineer

City Engineering Division — DPW

By Council Member Jones:

Resolved, Land in the City of Detroit, Wayne County, Michigan being that part of Milford Avenue, 60 feet wide, lying westerly of and adjoining Epworth Street, 80 feet wide, and lying easterly of and adjoining Railroad right-of-way (former Pere Marquette Railroad), opened by Recorders Court and confirmed by the Court and accepted by Detroit Common Council on March 18, 1913, J.C.C. page 313; and being more particularly described as: the northerly 4.88 feet, as measured along Epworth Street, of Lot 60, all of Lot 59, and all of Lot 58 except that part vacated October 18, 1927 being the north 3.60 feet on the east line and being the north 3.77 feet on the west line; also the public alley, 20 feet wide westerly of and adjoining said Lots and parts of

Lots, Block 1 "J. Mott Williams' Subdivision of part of Fractional Section 3, Springwells (Twp.), Wayne County, Michigan" as recorded in Liber 22, Page 34 of Plats, Wayne County Records. Together with a part of Fractional Section 3, Town 2 South, Range 11 East opened as Milford Avenue on March 18, 1913, J.C.C. page 313 and lying westerly of and adjoining the above described part of Milford Avenue, and lying easterly of and adjoining the Railroad right-of-way (former Pere Marquette Railroad) and being a strip of land 60 feet wide, and being 325.32 feet, more or less, on the south, and being 325.15 feet, more or less, on the north, and

Also, all that part of the North-South public alley, 20 feet wide, lying Westerly of and abutting the West line of Lots 60 through 70, both inclusive, all in the "J. Mott William's Subdivision" of Part of Fractional Section No. 3, Springwells (now City of Detroit), Wayne County Michigan, as recorded in Liber 22, Page 34, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and alley and is hereby converted into private easements for public utilities of the full width of the street and alley, which easements 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 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 easements or rights-of-way over said vacated public street and alley 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 alley in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated street and alley 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 easements or rights 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 easements with any necessary equipment to perform the above mentioned task, with the understanding that the utility companies shall use due

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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 and alley shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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 alley returns at the entrances (into Epworth Avenue and Milford Avenue), 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 heirs 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; and further

Resolved, That your Honorable Body authorize the acceptance of the following described easement over property owned by the petitioner, subject to the approval of the Traffic Engineering Division — DPW and any other public privately owned utility company, if necessary;

Land in the City of Detroit, Wayne County, Michigan, being the North 20.00 feet of Lot 71, in the "J. Mott William's Subdivision" of Part of Fractional Section No. 3, Springwells (now City of Detroit), Wayne County, Michigan as recorded in Liber 22, Page 34, Plats, Wayne County Records;

Provided, That when the alley access is prohibited, the dedication of the easement must be created to provide an alley outlet without an encumbrance to the residents along Epworth Avenue between West Warren and Milford Avenue;

