

City Engineering Department

September 11, 1985

Honorable City Council:

Re: Petition No. 3829, First Edition Lounge (Thomas E. Osman), Conversion to easement of east-west alley in the block bounded by Penrod, Rosemont, W. Warren and Sawyer.

The above petition requests the conversion of the east-west public alley, 18 feet wide, in the block bounded by Penrod, Rosemont, W. Warren and Sawyer Avenues into an easement for public utilities.

The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. The petition was referred to us for investigation and report. Our report accompanied by the original petition is as follows:

The petitioner plans to utilize the paved alley return entrances and requests such remain in its present status. Also, by filed letter the petitioner has agreed to pay all incidental removal costs whenever discontinuance of use makes removal necessary.

All involved City departments and privately-owned utility companies reported they have no objection to the conversion of public right-of-way into easement provided provisions are incorporated into the vacating resolution protecting their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
 Director

By Council Member Cleveland:

Resolved, That all the part of the east-west public alley, 18 feet wide, in the block bounded by Penrod, Rosemont, W. Warren and Sawyer Avenues lying north of and abutting the north line of Lots 235 to 241, lying south of and abutting the south line of Lots 234, 242 and the previously vacated north-south public alley, 18 feet wide, as platted in "Westhaven" being a Subdivision of a part of the Southeast Quarter of Section 2, T.2S., R.10E, known as Lot 1 and East half of Lot 2 of the Survey and Subdivision of the William Ruddiman Farm, per Plat recorded in Liber 735 of Deed, Page 511, Dearborn Township, City of Detroit, Wayne County, Michigan, as recorded in Liber 40, Page 75, Plats, Wayne County Records,

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, reser-

vations 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 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 easement for the purpose above set forth.

Second, said utility easement or right-of-way in and over said vacated alley herein 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 easements 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 any change of surface grade made, without prior approval of the City Engineering Department,

Fourth, 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 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 by not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, 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 if it becomes necessary to remove the paved alley returns at the alley entrances, 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, his heirs or assigns.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Kelley, Peoples, Ravitz, and President Pro Tem. Mahaffey — 6.
Nays — None.

City Engineering Department

September 13, 1985

Honorable City Council:

Re: Petition No. 3579/3663. Nadhir Zoma. ABC Party Store. Request to use berm for private off-street parking (along Beaconsfield Avenue) at the southeast corner of Beaconsfield and Warren.

We are returning herewith Petition No. 3579/3663 requesting the conversion to easement of a portion of street at the southeast corner of Beaconsfield and Warren Avenues. As the petitioner's letter requested to use the berm area for parking the matter was referred by the Community and Economic Development Department to the Berm Parking Committee for further investigation and report. Our report is as follows:

The City Engineering Department has consulted with the Community and Economic Development Department and the Department of Transportation regarding the above petition. All departments (the Berm Committee) have approved this request for berm use with certain restrictions.

The petitioner has agreed by filed letter to accept the requirements of the Berm Committee and negotiate payment of an annual private use (rental) fee with the Community and Economic Development Department-Real Estate Division and the Law Department.

All other involved City departments and privately owned utility companies have reported they have no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities.

An appropriate resolution containing the necessary conditions is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Kelley:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to Nadhir Zoma, proprietor of ABC Party Store, to use a portion of 32 feet by 100 feet berm area along the east side of Beaconsfield Avenue, south of E. Warren Avenue for off-street private parking; property described as:

Lying west of and abutting the west line of Lot 110 of Moore and Moestra's Subdivision of Lots 1, 2, 3, 4 and 5 of Subdivision of Westerly portion of Private Claims 126 and 127, according to the plat thereof prepared by the commissioners in partition of the Estate of Catherine Munsch, Deceased and recorded in Liber 425, Page 351 of Deeds, Grosse Pointe and Gratiot Township, City of Detroit, Wayne County, Michigan as recorded in Liber 38, Page 29, Plats, Wayne County Records;

Provided, That a certified copy of this resolution with the office of the Register of Deeds for Wayne County by and at permittee's expense; and

Provided, That permittee at the time of obtaining said permits files with the Finance Department an indemnity 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 permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said permission; and

Provided, That such use of said public property shall be made under the rules and regulations of the City Engineering Department and the Department of Transportation in accordance with plan number G-710 (as revised) and approved by those departments) and the Community and Economic Development Department; and

Provided, That the parking area be paved, and concrete bumpers shall be installed so as to maintain a clear space of at least 30 inches between the parking area and the edge of the sidewalk to prevent any vehicle from encroaching onto the pedestrian right-of-way; and

Provided, That said permission may be rescinded at any time it is deemed necessary by the Department of Trans-