

City Engineering Department

February 26, 1988

Honorable City Council:

Re: Petition No. 1737, 400 Monroe Associates, Portion of public alley to vacation and easement in the block bounded by Brush, Beaubien, Lafayette and Monroe.

Petition No. 1737 of 400 Monroe Associates requests the outright vacation and conversion of portions of the east-west public alley, 20 feet wide, in the block bounded by Brush and Beaubien Streets, Lafayette and Monroe Avenues into an easement for public utilities.

The requested vacation and conversion into public utility easement was approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The petitioner plans to use the paved alley return entrance (into Brush) and requests such remain in its present status. The petitioner shall 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 proposed vacation and conversion to easement or they have reached satisfactory agreements with the petitioner regarding their installations therein.

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

Respectfully submitted,
CLYDE R. HOPKINS
 Director

By Council Member Kelley:

Resolved, All that part of the east-west public alley, 20 feet wide, in the block bounded by Brush and Beaubien Streets, Lafayette and Monroe Avenues lying southerly of an abutting the south line of the westerly 14.90 feet of Lot 132, the easterly 43.55 feet of Lot 134, and Lot 133; also lying northerly of and abutting the north line of the westerly 32.60 feet of Lot 121, the easterly 25.85 feet of Lot 119, and Lot 120 of "Plat of a Part of the Beaubien Farm, in the City of Detroit, Wayne County, Michigan, as surveyed into town lots for the proprietors by John Mullett, surveyor, July, 1831, and recorded January 30, 1835 in Liber 6, Pages 475 to 478, City Records;

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property; and be it further

Resolved, All that part of the east-west public alley, 20 feet wide, in the block bounded by Brush and Beaubien Streets, Lafayette and Monroe Avenues lying southerly of and abutting the south

line of the westerly 20.11 feet of Lot 134 as "Plat of a Part of the Beaubien Farm, in the City of Detroit, Wayne County, Michigan, as surveyed into town lots for the proprietors by John Mullett, surveyor, July, 1831, and recorded January 30, 1835 in Liber 6, Pages 475 to 478, City Records"; also lying southerly of and abutting the south line of the east 22.00 feet of Lot 3, Lots 1 and 2, "Block 7, of the Brush Farm, City of Detroit, Wayne County, Michigan, according to the Plat thereof, recorded August 7, 1835, in Liber 7, Pages 224 and 225, Deeds, City Records" (excepting that portion of Lot 3 taken by the City of Detroit for the widening of Brush Street); also lying northerly of and abutting the north line of the westerly 18.49 feet of Lot 119 of "Plat of a Part of the Beaubien Farm, in the City of Detroit, Wayne County, Michigan, as surveyed into town lots for the properties by John Mullett, surveyor, July, 1831, and recorded January 30, 1835 in Liber 6, Pages 475 to 478, City Records"; also lying northerly of and abutting the north line of the east 22.00 feet of Lot 17, Lots 18 and 19, "Block 7, of the Brush Farm, City of Detroit, Wayne County, Michigan, according to the Plat thereof, recorded August 7, 1835, in Liber 7, Pages 224 and 225, Deeds, City Records" (excepting that portion of Lot 17 taken by the City of Detroit for the widening of Brush Street);

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 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 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, in-

stalling, 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 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 alley 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

Provided, That if it becomes necessary to remove the paved alley return at the entrance (into Brush) 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

Provided Further, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

***RECONSIDERATION (No. 8), per Motions before Adjournment.**

From the Clerk

March 2, 1988

That on February 25, 1988 he presented that portion of the proceedings of February 24, 1988 which was "reconsidered" as is required by the Charter to be so presented to his Honor, the Mayor, for approval, and same was approved on March 1, 1988, with the exception of a resolution appointing James E. Brock and Ronald Hewitt to the Downtown Development Authority, which resolution was presented to his Honor, the Mayor on February 24, 1988 and approved that same date.

That the balance of the proceedings of February 17, 1988 was presented to his Honor, the Mayor, on February 23, 1988 and was approved by the Mayor on March 1, 1988.

That on February 29, 1988, he presented the proceedings of the Adjourned Session of February 29, 1988, which were reconsidered, to his Honor, the Mayor, for approval, and same were approved on March 1, 1988.

Also, That he was served with the following papers issued out of Wayne Circuit Court, and same were referred to the Law Department:

Summons, Complaint and Jury Demand, Leola Henderson, pl. vs. City of Detroit, def.

Summons, Complaint and Jury Demand, Ethel Wiggins, pl. vs. City of Detroit, def.

Placed on file.

From the Clerk

March 2, 1988

Honorable City Council:

This is to inform your Honorable Body that I am in receipt of the following petitions since the last regular session, and recommend their reference as follows.

Respectfully submitted,
JAMES H. BRADLEY
City Clerk

GENERAL ORDER

1807—Little Caesar International, Inc., requesting permission to vacate out-right the east/west alley and encroach in the north/south alley with foundations in the block bounded by Woodward, West Montcalm Park and the Fisher Service Drive.

1808—Wentfred Bell, requesting an appearance before Council regarding problems with the City of Detroit Neighborhood Service Weatherization program.

1809—Harold H. Carlock, requesting a hearing before Council regarding multiple civil rights discrepancies