

partition walls, (except necessary parking lot pavement approved on permit plans submitted to the Buildings and Safety Engineering Department) shall be built or placed upon said easement, 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 (two easterly) parts of a 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 abutting owner(s) shall construct and/or maintain a concrete public sidewalk within the remaining east berm area in front of said (two easterly) parts of Schaefer Highway (10.00 feet wide, more or less, between Grove and W, McNichols Avenues). The public sidewalk shall be a minimum of 6.00 feet wide. Also, the sidewalk line and grades must be approved by the City Engineering Division — DPW prior to any concrete pour in accord with Detroit Code Section 50, Article 4. The construction, placement, and maintenance of the public sidewalk shall be subject to city permits, inspection, and specifications. Additionally, the abutting owner(s) shall pay all costs to construct and maintain the public sidewalk; 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 vacated public (street) right-of-way to the "Mercury Theatre Company," whose post office address is 3000 Town Center, Suite 711, Southfield, Michigan 48075 [phone: 810-357-4884]" for the fair market value and/or other valuable considerations:

Land in the City of Detroit, Wayne County, Michigan being "All that part of the Northwest Quarter of Section 17, Town 1 South, Range 11 East (Greenfield Township), described as the easterly 27.00 feet of the westerly 60.00 feet of said Northwest Quarter of Section 17 lying between the northerly line of Grove

Avenue, 60 feet wide as now established and the southerly line of a 20 feet wide public alley lying south of and adjoining 'Schwass College Park Subdivision of the North Half of the Northwest Quarter of the Northwest Quarter of Section 17, Town 1 South, Range 11 East (Greenfield Township),' as recorded in Liber 56, Page 12, Plats, Wayne County Records; (said parcel having been deeded to the City of Detroit for public street purposes on July 1, 1941 — J.C.C. page 2014); containing about 6,748 square feet or 0.1549 acre more or less; subject to a private easement for public utilities;"

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

**Department Of Public Works  
City Engineering Division**

July 25, 1996

Honorable City Council:

Re: Petition No. 1698 Planning and Development Department Alley to Easement southerly half of the north-south public alley in the block bounded by Woodward, John R, Garfield and E. Forest

Petition No. 1698 of the "Planning and Development Department" requests the conversion of the southerly half of the north-south public alley, 20 feet wide, in the block bounded by Woodward Avenue, John R. Street, Garfield and E. Forest Avenues into a private easement for public utilities. The purpose of the public alley closing is to renovate the Garfield Building. City Council approved a contract for the project on December 6, 1995 (J.C.C. pages 3139-40.)

The petition was referred to the City Engineering Division — DPW by the City Clerk for investigation (utility clearances) and report. This is our report:

The public alley closing and a proposed "loading zone" was approved by the Traffic Engineering Division — DPW. Also, the Street Design Bureau — DPW has reviewed and approved the "loading zone" plan. Upon application by the contractor, the City Engineering Division — DPW can issue a permit for construction. The placement of public sidewalk, curb, the proposed "loading zone," and a commercial driveway is subject to city specifications, permits and inspection. It is necessary for the owners of the Garfield Building to apply to Traffic Engineering for a "No Parking — Loading Zone" sign.

All other 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.

I am recommending adoption of the attached resolution.

Respectfully submitted  
SUNDAY JAIYESIMI,  
City Engineer

By Council Member Scott:

**RESOLVED**, All that part of the north-south public alley, 20 feet wide, in the block bounded by Woodward Avenue, John R. Street, Garfield and E. Forest Avenues lying westerly of and abutting the west line of Lot 5; also lying easterly of and abutting the east line of Lots 3 and 4, of the "Plat of Hubbard and Kings Subdivision of Park Lot 32 and part of Park Lot 33", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 20, Plats, Wayne County Records; also lying easterly of and abutting the east line of the southern 45.00 feet of Lot 2 of "Brooks and Carlisle's Subdivision of Park Lots 34 and 35 and part of Park Lot 33", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 245, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities 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 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 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, 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; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement, 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 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 further

**PROVIDED**, That when it becomes necessary to remove the paved alley return at the entrance (into Garfield Avenue), such removal and construction of new curb, public sidewalk, the proposed "loading zone," and a commercial driveway 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 be it further

**RESOLVED**, That the owners of the Garfield Building shall apply to the Traffic Engineering Division — DPW for a "No Parking — Loading Zone" sign along the north side of Garfield Avenue, east of Woodward Avenue.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.