

**Department Of Public Works  
City Engineering Division**

July 25, 1996

Honorable City Council:

Re: Petition No. 840. Star Auto Wash, et al Alley to Easement east-west public alley in the block bounded by Greenview, Faust, Whitlock, and W. Warren

Petition No. 840 of "Star Auto Wash, et al" requests the conversion of the east-west public alley, 18 feet wide, in the block bounded by Greenview, Faust, Whitlock and W. Warren Avenues into a private easement for public utilities.

The requested conversion was approved by the Planning and Development Department, Solid Waste Division — DPW, and Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

The petitioner(s) plan to use the paved alley return entrances (into Greenview and Faust Avenues) and requests such remain in their present status. The petitioner(s) shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into a private easement for public utilities. 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 of the east-west public alley, 18 feet wide, in the block bounded by Greenview, Faust, Whitlock and W. Warren Avenues lying southerly of and abutting the south line of Lots 312 thru 317; also lying northerly of and abutting the north line of Lot 311; also lying northerly of and abutting the north line of the vacated north-south public alley (18 feet wide, in said block; having been previously vacated by City Council on November 22, 1978 J.C.C. pages 3047-53); also lying northerly of and abutting the north line of Lot 318 of "Frischkorn's Warren Avenue Park being a Subdivision of part of the Northeast Quarter of Section 11, Town 2 South, Range 10 East, Dearborn Township," City of Detroit, Wayne County, Michigan as recorded in Liber 39, Page 89, 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 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 if it becomes necessary to remove the paved alley return(s) at their entrance(s) (into Greenview and/or Faust Avenues), 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.

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. 1725. Difco Laboratories Utility Easement to Vacation a 12.50 feet by 30.00 feet part of the eastern side of Fifth between Henry and Pine Petition No. 1725 of "Difco Laboratories, Inc." requests the outright vacation of a part (12.50 feet by 30.00 feet) of the converted utility easement being part of the eastern side of Fifth Street (50 feet wide) between Henry and Pine Streets. City Council converted said Fifth Street into a private easement for public utilities on February 1, 1984 — J.C.C. pages 170-71. The petitioner will improve a truck loading dock.

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

The Detroit Edison Company reports a steam line on the western side of Fifth. Edison has no objections to the proposed partial vacation, since the steam line will remain secure in the remaining easement.

The Public Lighting Department [PLD] reports an overhead street lighting circuit within Fifth. PLD has no objections to the proposed partial vacation; subject to minimum clearances of 3.50 feet horizontal and 1.00 foot vertical from PLD facilities in the remaining easement.

The Water and Sewerage Department [DWSD] reports both sewer and water main facilities within Fifth. The 8-inches diameter water main is about 20.00 feet west of the easterly line of said Fifth Street utility easement (50 feet wide).

DWSD has no objections to the proposed partial vacation; subject to certain minimum clearance requirements. Provisions protecting DWSD installations are part of the resolution.

All other city departments and privately owned utility companies have reported no objections to the proposed partial vacation a utility easement.

I am recommending adoption of the attached resolution.

Respectfully submitted  
SUNDAY JAIYESIMI,  
City Engineer

By Council Member Scott:

RESOLVED, All that part of the private easement for public utilities being the northerly 30.00 feet of the southerly 92.50 feet of the easterly 12.50 feet of Fifth Street (50 feet wide, between Henry and Pine Streets; said Fifth Street having been converted into a private easement for public utilities by City Council on February 1, 1984 — J.C.C. pages 170-71); also being an easterly part of said Fifth Street lying westerly of and abutting the west line of the northern 21.50 feet of Lot 6, and the southern 8.50 feet of Lot 7, Block 16, of "Crane and Wesson's Section of the Forsyth Farm between Chicago and Grand River Roads", City of Detroit, Wayne County, Michigan as recorded in Liber 44, Pages 10 and 11, Deeds, Wayne County Records;

Be and the same is hereby vacated (outright) as part of a private easement for public utilities to become part and parcel of the abutting property; subject to the following provisions:

PROVIDED, That before any construction shall be permitted within the vacated (outright) part of the converted utility easement, mentioned above, Difco Laboratories, Inc., shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. All costs for plan review associated with the protection of a water main and/or other construction that may be required by DWSD [designed to prevent damages and maintain minimum clearances from public sewer(s) and water main(s), including but not limited to inspection and permits, shall be paid by Difco Laboratories, Inc. and/or their contractors; 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.

Adopted as follows:

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

Nays — None.