

**Department of Public Works
City Engineering Division**
November 25, 1997

Honorable City Council:
Re: Petition No. 2403, Detroit Aluminum and Architectural Metals Company, Alley to Easement, second westerly part of the east-west public alley in the block bounded by Dequindre, St. Aubin, Franklin and Woodbridge.

Petition No. 2403 of Detroit Aluminum and Architectural Metals Company requests the conversion of a second westerly part of the east-west public alley, 20 feet wide, in the block bounded by Dequindre and St. Aubin Avenues, Franklin and Woodbridge Streets into a private easement for public utilities. City Council vacated a first westerly part of the alley on November 10, 1959 (J.C.C. page 2247).

The second westerly part alley closing was approved by 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:

City departments and privately owned utility companies 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 Cockrel:
Whereas, On November 10, 1959 (J.C.C. page 2247), City Council vacated a first westerly part of the east-west public alley, 20 feet wide, in the block bounded by Dequindre and St. Aubin Avenues, Franklin and Woodbridge Streets; and
Whereas, Petition No. 2403 of "Detroit Aluminum and Architectural Metals Company" requests the conversion of a second westerly part of the east-west public alley, 20 feet wide, in the block bounded by Dequindre and St. Aubin Avenues, Franklin and Woodbridge Streets into a private easement for public utilities; therefore be it
Resolved, All of a second westerly portion of the east-west public alley, 20 feet wide, in the block bounded by Dequindre and St. Aubin Avenues, Franklin and Woodbridge Streets lying southerly of and abutting the south line of the eastern 12.60 feet of Lot 10, the western 26.00 feet of Lot 8, and Lot 9; also lying northerly of and abutting the north line of western 38.60 feet of Lot 3, and Lot 2 as platted in Section 7 (sometimes referred to as Block 7) of the "Subdivision of the St. Aubin Farm, South of Jefferson Avenue, City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 35, 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

STATE OF MICHIGAN) ss. SHORT FORM - TRUE COPY CERTIFICATE
CITY OF DETROIT)

I, Jackie L. Currie CITY CLERK of the City of Detroit, do

hereby certify that the annexed paper is a True Copy of a Resolution

adopted by the City Council on December 3, 1997

and approved by the Mayor on December 11, 1997

Detroit Legal News dated December 10, 1997
as appears from the records of said City Council, on file in my office.

IN WITNESS WHEREOF, I have hereunto
Set my hand and affixed the Corporate
Seal of said City, at Detroit, on

December 29, 1997

Liber 29779
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REC'd Feb. 11, 1998

Jackie L. Currie
City Clerk

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 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 Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.
Nays — None.