

By Council Member Everett:

Resolved, All that part of the east-west public alley, 16.00 & 16.06 feet wide, in the block bounded by W. Grand River Avenue, 100 feet wide, Sussex Avenue, 60 feet wide, Whitcomb Avenue, 100 feet wide and Lyndon Avenue, 60 feet wide, lying southerly of and abutting the south line of Lot 1235 and lying northerly of and abutting the north line of Lots 1236-1242, both inclusive, of "B. E. Taylor's Monmoor Subdivision No. 4 of part of W. 1/2 of SW. 1/4 of Section 19, T.1S., R.11E., lying north of Grand River Avenue", Greenfield Twp., Wayne County, Michigan as recorded in Liber 36, Page 65 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 task, 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, 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 at the entrance (into Sussex Ave.), 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 heir 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 K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

May 11, 2000

Honorable City Council:

Re: Petition No. 1208 — Health Alliance Plan, requesting conversion of commercial alley to easement in the area of Milwaukee, Baltimore, Lincoln and the John C. Lodge Service Drive.

Petition No. 1208 of "Health Alliance Plan (HAP)" at 2850 W. Grand Blvd., Detroit, Michigan 48202, requests for the conversion of the north-south public alley, 15 feet wide, and a portion of the east-west public alley, 16 feet wide, in the block bounded by Lincoln, Milwaukee, Baltimore Avenues and John C. Lodge Service Drive into private easements for public utilities; also HAP intends to build a new north-south public alley, 16 feet wide, and deed the completed alley to the city.

The request was approved by the Solid Waste Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The Fire Marshal and Traffic Engineering Division — DPW requires HAP to maintain emergency vehicle traffic circulation in the area. HAP has developed plans to build a new north-west public alley at no expense to the city. Land has been set-aside to build the new alley. The alley will be built by private contract within HAP property under City Engineering Division — DPW inspection and permits. When the alley is completed to city specifications, HAP intends to deed the property to the city. City Council is requested to declare the city's intent to accept the deed and alley for public alley purposes; provided said property complies with the requirements of Detroit codes and ordinances, also known as the "Environmental Review Guidelines." A separate resolution-recommending acceptance of the deed will be presented to the City Council for consideration.

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 or the dedication of land to the City of Detroit for the creation of a new public alley. Provisions protecting certain utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW  
By Council Member Everett:

Whereas, Petition No. 1208 of "Health Alliance Plan (HAP)" at 2850 W. Grand Blvd., Detroit, Michigan 48202, requests for the conversion of the north-south public alley, 15 feet wide, and a portion of the east-west public alley, 16 feet wide, in the block bounded by Lincoln, Milwaukee, Baltimore Avenues and John C. Lodge Service Drive into private easements for public utilities; also HAP intends to build a new north-south public alley, 16 feet wide, and deed the completed alley to the city, and

Whereas, The Fire Marshal and Traffic Engineering Division — DPW requires HAP to maintain emergency vehicle traffic circulation in the area. HAP has developed plans to build a new north-west public alley at no expense to the city. Land has been set-aside to build the new alley. The alley will be built by private contract within HAP property under City Engineering Division — DPW inspection and permits. When the alley is completed to city specifications, HAP intends to deed the property to the city. City Council is requested to declare the city's intent to accept the deed and alley for public alley purposes; provided said property complies with the requirements of Detroit codes and ordinances, also known as the "Environmental Review Guidelines." A separate resolution-

recommending acceptance of the deed will be presented to the City Council for consideration; therefore be it

Resolved, All that part of the north-south public alley, 15 feet wide, and a portion of the east-west public alley, 16 feet wide, in the block bounded by Lincoln, Milwaukee, Baltimore Avenues and John C. Lodge Service Drive, described as: That north-south public alley, 15 feet wide, lying easterly of and abutting the east line of lots 3, 4, 5 and lying southeasterly of and abutting the southeast line of lot 2, and lying easterly of and abutting the east line of the vacated public alley, 20 feet wide (vacated Sept. 23, 1913), inclusive of that part deeded as public alley Nov. 10, 1898 as platted in "L. E. Maire's Subdivision of Lots 8 and 9, Block 6, of Moran and Moross Subn. of part of Sections 31 and 36, T.1S., R.11 and 12 East" as recorded in Liber 10, Page 49 Plats, Wayne County Records; also, that part of the east-west public alley, 16 feet wide, lying southerly of and abutting the south line of lots 3, 4, 5, 6 and the west 17.00 feet of lot 2 and lying northerly of and abutting the north line of lots 7 (inclusive of that part deeded as public alley Nov. 10, 1898) 8, 9, 10 and the west 17.00 feet of lot 11 as platted in "Eugene Robinson's Subn. of Lots 3, 4, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28 & 29, Block 6, of Moran and Moross Subn. of part of Frac. Secs. 31 & 36, T.1S., R.11 & 12 E., and part of the Baker and Forsyth Farms," City of Detroit, Wayne County, Michigan, recorded in Liber 15, Page 34 Plats, Wayne County Records; also, that part of the east-west public alley, 16 feet wide, lying southerly of and abutting the south line of lot 1 and lying northerly of and abutting the north line of lot 2 of "Jackson's Subn. of Lot 5, Block 6, & Lot 4, Block 5, of Moran and Moross Subn. of part of Frac. Secs. 31 & 36, T.1S., R.11 & 12 E., and part of the Baker and Forsyth Farms," City of Detroit, Wayne County, Michigan, recorded in Liber 21, Page 15 Plats, Wayne County Records.

Be and the same is hereby vacated as public alley(s) and is hereby converted into private easement(s) for public utilities of the full width of the alley(s), which easement(s) 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(s) 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(s) 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(s) 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 task, 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, 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(s) 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 at the entrance (into Baltimore Ave.), 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 heir or assigns; and be it further

Resolved, City Council is requested to declare the city's intent to accept the deed and alley for public alley purposes, being described as follows: The easterly 16.00 feet of Lot 11 of "Eugene Robinson's Subn. of Lots 3, 4, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28 & 29, Block 6, of Moran and Moross Subn. of part of Frac. Secs. 31 & 36, T.1S., R. 11 & 12 E., and part of the Baker and Forsyth Farms," City of Detroit, Wayne County, Michigan, recorded in Liber 15, page 34 Plats, Wayne County Records; provided said property complies with the requirements of Detroit codes and ordinances, also known as the "Environmental Review Guidelines." [NOTE: The City Council anticipates a separate report and resolution — recommending acceptance of the deed-will be presented by the Detroit — Department of Public Works (its City Engineering Division; in conjunction with the Law Department, if necessary) for further consideration.]; 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 K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 8.  
 Nays — None.

**Department of Public Works**  
**City Engineering Division**  
 May 11, 2000

Honorable City Council:  
 Re: Petition No. 1573 — Aunt Mid Produce Company, requesting vacation of W. Lafayette in the area of Springwells and the Grand Trunk Railroad.

Petition No. 1573 of "Aunt Mid Produce Company" 7939 West Lafayette, Detroit, Michigan 48209, requests for the conversion of West Lafayette Street, 50 feet wide, between Springwells Street, 66 feet

wide, and the New York Central Railroad into a private easement for public utilities.

The request was approved by the Solid Waste Division — DPW, and the 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 plans to use the paved street return entrance (into Springwells Street) and request such remain in their present status. The petitioner 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.