

**Department of Public Works  
City Engineering Division**

June 2, 2000

Honorable City Council:

Re: Petition No. 1624 — The Detroit Board of Education and the Mark Twain School, c/o Harvey Lanier, et al, request for conversion of alley to easement in the area of Ethel, Beatrice, Peters and Gleason.

Petition No. 1624 of "The Detroit Board of Education and the Mark Twain School, c/o Harvey Lanier, et al," at 3352 Ethel Ave., Detroit, Michigan 48217 request the conversion of the two (2) north-south public alley(s), 20.00 feet wide, in the area bounded by Beatrice Avenue, 55 feet wide, Ethel Avenue, 50 feet wide, Peters Street, 50 feet wide, and Gleason Avenue, 50 feet wide, into private easement(s) 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.

All 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

City Engineering Division —  
DPW

By Council Member Everett:

Resolved, All of the north-south public alley, 20 feet wide, in the block bounded by Beatrice Avenue, 55 feet wide, (vacated) Deacon Avenue, 50 feet wide, Peters Avenue, 50 feet wide and Gleason Avenue, 50 feet wide, lying easterly of and abutting the east line of Lots 1238-1256, both inclusive, and lying westerly of and abutting the west line of Lots 1257-1275, both inclusive, as platted in "Marion Park No. 4", being a subdivision of part of P.C. 669, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 100, Plats, Wayne County Records; Also, all of the north-south public alley, 20 feet wide, in the block bounded by Ethel Avenue, 55 feet wide, (vacated) Deacon Avenue, 50 feet wide, Peters Avenue, 50 feet wide and Gleason Avenue, 50 feet wide, lying easterly of and abutting the east line of Lot 1348-1366, both inclusive, as platted in "Marion Park No. 4", being a subdivision of part of P.C. 669, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 100, Plats, Wayne County Records, and lying westerly of and abutting the west line of Lots 154-173, both inclusive, as platted in "T.H.

Welch's Oakwood Hill Sub'n" of part of P.C. 75, lying south of Visger Road, Village of Oakwood (now Detroit), Ecorse Twp., Wayne County, Michigan, as recorded in Liber 39, Page 92, Plats, Wayne County Records;

Be and the same is hereby vacated as a 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 of 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(s) 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(s) 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(s), 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(s), 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 the entrances (into Gleason and Peters 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 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**

June 12, 2000

Honorable City Council:

Re: Petition No. 326 — Miller, Canfield, Paddock and Stone, P.L.C., requesting to maintain existing encroachment at 7375 Woodward Ave., Detroit, Michigan.

Petition No. 326 of "Miller, Canfield, Paddock and Stone, P.L.C.," representing Woodlo, L.L.C., 25200 Telegraph Rd., Ste. 410, Southfield, Michigan 48034, request to maintain an existing encroachment into the west right-of-way of Woodward Avenue, 100 feet wide, north of W. Grand Blvd. and the south right-of-way of Lothrop Avenue, 80 feet wide.

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

The existing encroachment consist of a metal building facade, 6-inches into the Woodward Avenue and Lothrop Avenue rights-of-way beginning at a height of 16-feet 3-inches above the sidewalk.

The City Engineering Division - DPW recommends that this request be granted to "Woodlo, L.L.C.," 25200 Telegraph Rd., Ste. 410, Southfield, Michigan 48034, provided the permittee files with the Finance Director, an indemnity agreement approved by the Law Department, saving

and protecting the City of Detroit from any and all claims which may arise.

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

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

By Council Member Hood:

Resolved, That the City Engineering Division-DPW be and is hereby authorized and directed to issue a permit to "Woodlo, L.L.C.," 25200 Telegraph Rd., Ste. 410, Southfield, Michigan 48034, to maintain an existing encroachment into the west right-of-way of Woodward Avenue, 100 feet wide, north of W. Grand Blvd. and the south right-of-way of Lothrop Avenue, 80 feet wide, adjacent to property described as:

Land in the City of Detroit, Wayne County, Michigan, being more particularly described as lying northerly of and abutting the north line of Lot 1 and lying easterly of and abutting the east line of Lot(s) 1, 2, 3, and the north 25.00 feet of Lot 4 of "Stewarts Subdivision Lots 1, 2, and 3 of the Subn. of the South 1/3 of 1/4 Sections 55 and 56, 10,000 Acre Tract," Greenfield, Wayne County, Michigan, as recorded in Liber 8, Page 71 Plats, Wayne County Records;

The existing encroachment consist of a metal building facade, 6-inches into the Woodward Avenue and Lothrop Avenue rights-of-way beginning at a height of 16-feet 3-inches above the sidewalk the full length of the existing building;

Provided, That the permittee "Woodlo, L.L.C.," at the time of obtaining said permit file with the City of Detroit Finance Department an indemnity agreement, in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages, or expenses that may arise by reason of the issuance of said permit and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages, or expenses that may arise out of the maintenance of said encroachment; and further

Provided, That no rights in the public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by the City Council, and that the public property so affected shall be restored to a condition satisfactory to said department by said permittee at its expense, and further

Provided, That no other right in the public rights-of-way shall be considered waived by this permission which is granted expressly on the condition that the obstructions in connection therewith shall be removed at the expense of the grantee at any time when so directed by City Council, and further