

**Department of Public Works
City Engineering Division**

February 20, 2001

Honorable City Council:

Re: Petition No. 2518 — Detroit Edison, requesting closure of the commercial alley in the area of Third, Plum, Grand River and Fisher Freeway.

Petition No. 2518 of "Detroit Edison" request conversion of the North-South public alley, 15 feet wide, in the block bounded by Third Avenue, 60 feet wide, Plum Street, 50 feet wide, West Grand River Avenue, 100 feet wide, and Fisher Freeway 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.

If the petitioner at any time plans to discontinue use of the paved alley entrance (into Fisher Freeway Service Drive and Plum Avenue), the petitioner shall pay all incidental removal cost, and may need to obtain the proper permits from the Michigan Department of Transportation (MDOT), if necessary.

All other city departments and private utility company have reported no objection to the conversion of 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 Tinsley-Talabi:

Resolved, All that part of the North-South public alley, 15 feet wide, lying East of and abutting the East line of lots 13 to 18, both inclusive, also, lying West of and abutting the West line of lot 12, 10, in Block 68, and 15 feet wide public alley vacated on December 31, 1918 in the "Cass Western Addition to the City of Detroit Between the Chicago & Grand River Roads By Lewis Cass 1851" as recorded in Liber 42, Page 138, 139, 140 & 141 Deeds, 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, 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 Fisher Freeway Service Drive and Plum Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications, and MDOT, if necessary, with all costs borne

by the abutting owner(s) their heir or assigns; and be it further Provided, That the City Clerk shall with-

in 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.



Adopted as follows:
Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Scott, Tinsley-Talabi, and President Hill — 8.
Nays — None.

**Department of Public Works
City Engineering Division**

February 20, 2001

Honorable City Council:

Re: Petition No. 2688 — Detroit Edison, requesting closure of the commercial alleys in the area of Fisher Freeway, Fourth, Plum, and Third.

Petition No. 2688 of "Detroit Edison" request conversion of the North portion

of the North-South public alley, 14.70 feet wide, first alley east of Fourth Avenue and the North portion of the North-South public alley, 15 feet wide, first alley west of Third Avenue, all in the block bounded by Fourth Avenue, 50 feet wide, Third Avenue, 60 feet wide, Plum Street, 50 feet wide, and Fisher Freeway into a private easement for 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.

If the petitioner at any time plans to