

Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.
Nays — None.

**Department of Public Works
City Engineering Division**

July 21, 2001

Honorable City Council:

Re: Petition No. 2576 — Said Mokhtari et. al, requesting for conversion of alley to easement in the area of 13033 Gratiot.

Petition No. 2576 of "Said Mokhtari et. al.," request the conversion of the north portion of the north-south public alley, 18 feet wide, in the block bounded by Gratiot Avenue, 130 feet wide, East McNichols Road, 66 feet wide, Gitre Avenue, 60 feet wide, and Fairport Avenue, 50 feet wide 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 discontinue use of the pave alley return entrance (into Gitre Avenue), the petitioner shall pay all incidental removal cost.

All other city departments and utility companies have reported no objections to the conversion of public rights-of-way into private easement for public utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member K. Cockrel, Jr.:

Resolved, All that part of the North-South public alley, 18 feet wide, lying Easterly of and abutting the East line of lot 207, also lying Westerly of and abutting the west line of lots 201 through 206, both inclusive, in the "Gitre Park" being Sub'n of part of Frac'l Sec. 11, T.1S, R.12E. and part of P.C. 394 Gratiot Township, Wayne Co. Mich." As recorded in Liber 34, Page 100, 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 return at the entrance (into Gitre 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 with all costs borne by the abutting owner(s), their heir or assigns; And Be It 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, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.
 Nays — None.

Water and Sewerage Department

November 14, 2001

Honorable City Council:

Re: Agreement and Grant of Easement for Water Mains — #01-14. JDN Development Company and Chesterfield Exchange, L.L.C.

The City of Detroit, Water and Sewerage Department (DWSD), has executed an Agreement and Grant of Easement for Water Mains with JDN Development Company and Chesterfield Exchange, L.L.C., for the purpose of allowing DWSD to operate, maintain,

repair, remove, use and replace water mains, and related improvements and appurtenances.

This action is a part of the Chesterfield Loop Project (WS-605). DWSD will construct a 42-inch water transmission main to provide water to portions of Macomb County. JDN Development Company and Chesterfield Exchange, L.L.C., will grant to DWSD a 55-foot wide water main easement that narrows to a 30-foot easement as illustrated in Exhibits "A," "B," "C," and "D" of the Easement Agreement.

At its meeting of October 24, 2001, the Board of Water Commissioners approved entering into this Agreement. It is respectfully requested that your Honorable Body adopt the attached resolution accepting the Easement Agreement as agreed to by the Board of Water Commissioners and JDN