

Adopted as follows:  
 Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**

June 22, 2001

Honorable City Council:  
 Re: Petition No. 3390 — Aghata Younan, et al, requesting partial easement of alley in the area of W. Eight Mile, Norwood and Revere.  
 Petition No. 3390 of "Aghata Younan et. al," request conversion to easement the remaining open public alley in the block bounded by East Eight Mile, 204 feet wide, Revere Avenue, 60 feet wide, Norwood Avenue, 60 feet wide, and Winchester 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 entrances (into Revere and Norwood Avenue), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objection to the conversion of public rights-of-way into private easement for 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 East-West public alley, 20 feet wide, lying Southerly of and abutting the south line of lots 160 to 170, both inclusive, in the "Assessors Base Line Superhighway Subdivision No. 4 A resubdivision of lots 1 to 8 incl. And part of lot 9, 59 to 73 incl. And part of 58 and 74; 124 to 138 incl. And part of 123 and 139; 189 to 203 incl. And part of 188 and 204; 254 to 268 incl. And part of 253 and 269; 319 to 333 incl. And part of 318 and 334; 384 to 389 inc. and part of 383 and 399; 449 to 463 incl. and part of 448 and 464; 514 to 527 incl. and part of 513 and 528; 578 to 590 incl. and part of 577 and 591 and vacated alleys of Seymour and Troester's Clairmont Park Subdivision of the north 1/2 of the north-east 1/4 of Sec. 6, T. 1 S., R. 12E., City of Detroit, Wayne County, Mich." as recorded in Liber 63 Page 64, Wayne County Records, also lying Northerly of and abutting the north line of lots 318 and 334, and the Public alley vacated on July 15, 1987, J.C.C. Pages 1597-1600 in the "Seymour and Troester's Clairmont Park Subdivision of the North-East 1/4 of Section 6, T. 1 S. R. 12E., Hamtramck TWP., Wayne County, Michigan" as recorded in Liber 52 Page 43, 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,

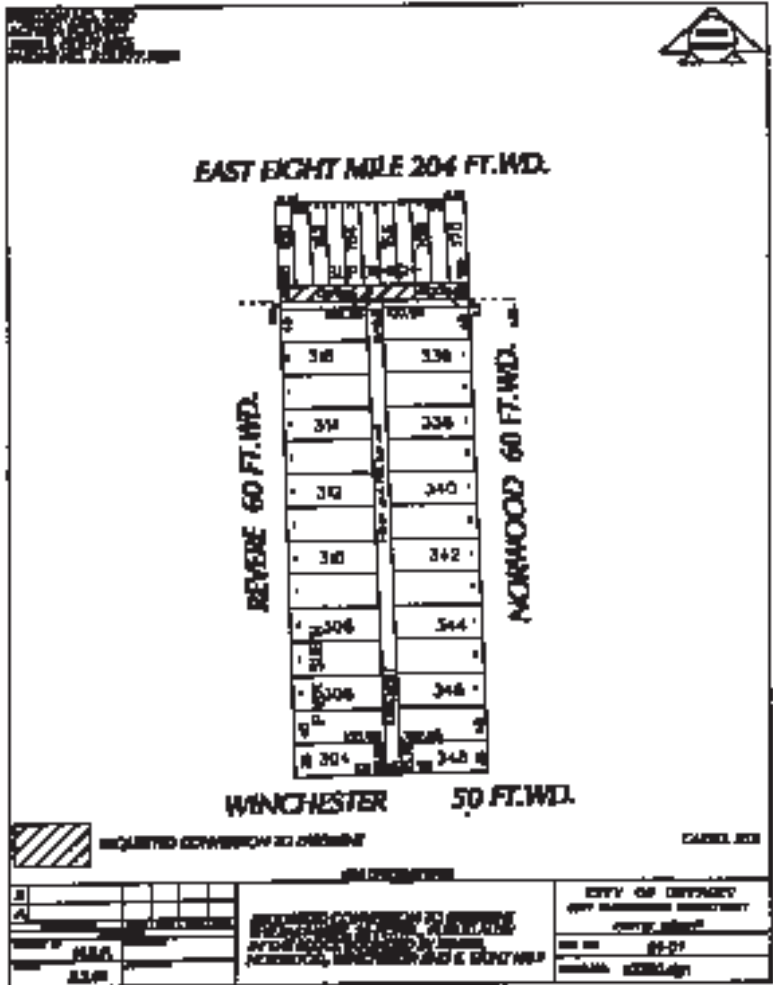
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering 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 Revere and Norwood 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 of 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.

**Department of Public Works  
 City Engineering Division**

June 20, 2001

Honorable City Council:  
 Re: Petition No. 3283 — Tabernacle of Faith Missionary Baptist Church, requesting for closure of alley in the area of Fenkell, Bentler and Chapel.

Petition No. 3283 of "Tabernacle of Faith Missionary Baptist Church", request the conversion of the east portion of the east-west public alley, 18 feet wide, in the block bounded by Keeler Avenue, 50 feet wide, Fenkell Avenue, 66 feet wide,

Chapel Avenue, 50 feet wide, and Bentler Avenue, 60 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 paved alley return entrances (into Bentler Avenue), the petitioner shall pay all incidental removal cost.

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