

Adopted as follows:  
 Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, and President Mahaffey — 8.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**  
 May 6, 2003

Honorable City Council:  
 Re: Petition No. 972 — Warren/Conner Development Coalition, requesting to vacate public alleys in the area of Alter, Ashland and Mack Avenues.

Petition No. 972 of "Warren/Conner Development Coalition" 11148 Harper Avenue, Detroit, Michigan 48213, requests for the outright vacation of the east-west public alley, 18 feet wide, a portion of the north-south public alley 16 feet wide; and request the conversion of the remaining portion of the north-south public alley, 16 feet wide, all in the block bounded by Ashland Avenue, 50 feet wide, Alter Road, 66 feet wide, Mack Avenue, 120 feet wide, and Lozier Avenue, 50 feet wide, into a private easement for public utilities.

The request was approved by Planning and Development Department, 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 Public Lighting Department (PLD) reports underground conduit bank with 4800V cable, where the requested outright vacations are to occur. 3-phase overhead line, Cable Pole and a Traffic Signal Transformer and overhead lighting circuits in the north-south alley where easement is proposed. The PLD is hereby requesting easements for its facilities be officially granted. The PLD will also require 24-hr. UN-impeded heavy vehicle access for the entire length of the easement and physical access to all facilities within the easement. Any damage done to existing PLD facilities by the proposed construction must be repaired at project cost.

The Detroit Water and Sewerage Department (DWSD) has no objection to the outright vacation provided the Petitioner relocates the sewer and provides a suitable easement to DWSD. Also, provided that the petitioner owns all the property adjacent to that part of the public rights-of-way to outright vacated.

Detroit Edison has reported an estimated cost of \$41,000.00 for the removal and/or rerouting of its services within that part of the public rights-of-way to outright vacated.

Comcast Cablevision reports an estimated cost of \$390.00 for the removal and/or rerouting of its services within that

part of the public rights-of-way to outright vacated.

SBC reports that before the Petitioner vacates the public rights-of-way it will be necessary to place a request with its Customer Growth Group.

All other City departments and privately owned utility companies have reported no objections to the outright vacation and the conversion of public rights-of-way into a private easement for public utilities or that satisfactory arrangements have been made. 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 Bates:

Resolved, Land in the City of Detroit, Wayne County, Michigan, in the block bounded by Ashland Avenue, 50 feet wide, Alter Road, 66 feet wide, Mack Avenue, 120 feet wide, and Lozier Avenue, 50 feet wide, described as the East-West public alley 18.00 feet wide, lying Northerly of and abutting the North line of Lots 1 through 10, both inclusive, and lying Southerly of and abutting the South line of Lots 409 and 605; and the North-South public alley 16.00 feet wide, lying Easterly of and abutting the East line of Lots 409 through 413, both inclusive, and lying Westerly of and abutting the West line of Lots 600 through 605, both inclusive, all in the "Edwin Lodge Subdivision" of part of P.C. 120 North of Mack Ave., Twps. of Gratiot and Grosse Pointe, Wayne County, Michigan, as recorded in Liber 35, Page 10 Plats, Wayne County Records;

Be and the same is hereby vacated as public alley rights-of-way to become part and parcel of the abutting property; subject to the following provisions;

Provided, That satisfactory arrangements are made with the Public Lighting Department, Detroit Water and Sewerage Department, SBC, Comcast Cablevision and Detroit Edison Company for the estimated costs of removing and/or rerouting services; and further

Provided, That if it becomes necessary to remove the paved return at the entrance (into Ashland and Alter), 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; and be it further

Resolved, All that part of the North-South public alley in the block bounded by

Ashland Avenue, 50 feet wide, Alter Road, 66 feet wide, Mack Avenue, 120 feet wide, and Lozier Avenue, 50 feet wide, lying Westerly of and abutting the West line of Lots 574 through 599, both inclusive, and lying Easterly of and abutting the East line of Lots 414 through 439, both inclusive, all in the "Edwin Lodge Subdivision" of part of P.C. 120 North of Mack Ave., Twps. of Gratiot and Grosse Pointe, Wayne County, Michigan, as recorded in Liber 35, Page 10 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, 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

