

— 7.

Nays — None.

**Department of Public Works
City Engineering Division**

April 13, 2004

Honorable City Council:

Re: Petition No. 2120 — R. Bell Associates for Kayed Bazzi, for conversion of alley to easement in the area of Harper, Outer Drive, and Manistique.

Petition No. 2120 of “R. Bell Associates for Kayed Bazzi”, requests the conversion of the East-West public alley, 18 feet wide, in the block bounded by Harper Avenue, 86 feet wide, Edsel Ford Freeway (I-94), East Outer Drive Boulevard, 150 feet wide, and Manistique Avenue, 60 feet wide, into a private easement for public utilities, and for the construction of a new five Bay Self Serve Hand Car Wash at 14700 Harper Avenue.

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 the 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 that part of the East-West open public alley, 18 feet wide, in the block bounded by Harper Avenue, 86 feet wide, Edsel Ford Freeway (I-94), East Outer Drive Boulevard, 150 feet wide, and Manistique Avenue, 60 feet wide, lying Northerly of and abutting the North line of Lots 11 and 106, and lying Southerly of and abutting the South line of Lots 1 through 10, both inclusive, all in the “Park and Boulevard Subdivision of part of P.C. 120 City of Detroit, Wayne County, Michigan”, as recorded in Liber 42 Page 70, 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:

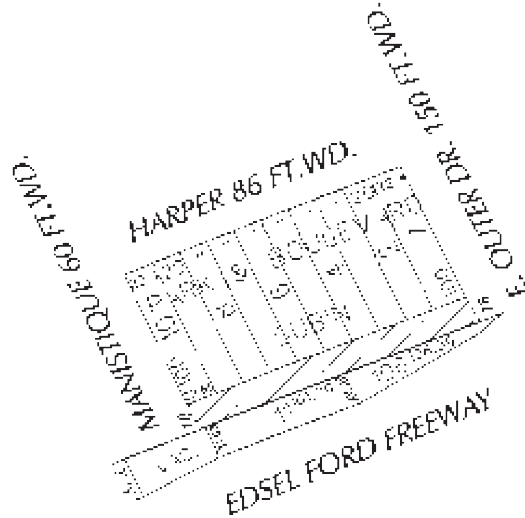
First, Said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, 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

PETITION NO. 2120
 R. BELL ASSOCIATES, INC./ KAYID RAZZI
 2327 BRANCH RD.
 C/O RONALD BELL
 PHONE NO. 313-736-8002



/// - REQUESTED CONVERSION TO PAVEMENT

CARTO 65 F

REVISION	DATE	BY	DESCRIPTION
A			
B			

DATE: 07-27-01

REQUESTED CONVERSION TO ESTABLISH THE
 EAST WEST OPEN PUBLIC ALLEY IN THE AREA
 OF HARPER, EAST OUTER DRIVE, COLUMBIA
 AND MANISTIQUE

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 STREET BUREAU
 SHEET NO. 01-01
 DRAWING x2120.dgn

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 utilities; and further

Provided, That if it becomes necessary to remove the paved return at the entrance (into Manistique Avenue and East Outer Drive Boulevard), 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 heirs 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 Bates, K. Cockrel, Jr., S. Cockrel, Everett, Tinsley-Talabi, Watson, and President Mahaffey — 7.

Nays — None.

**Finance Department
 Purchasing Division**

February 26, 2004

Honorable City Council:
 The Purchasing Division of the Finance