

**Department of Public Works
City Engineering Division**

May 6, 2005

Honorable City Council:

Re: Petition No. 2294 — Darnell Kaigler, et al, requesting for the vacation of the alley and conversion to easement in the area of Kipling, Woodrow Wilson, West Grand Boulevard, and Bethune.

Petition No. 2294 of "Darnell Kaigler, et al" at 2673 West Grand Boulevard, Detroit, Michigan 48208 request conversion of a portion of the East-West public alley 18 feet wide, in the block bounded by Bethune Avenue, 60 feet wide, West Grand Boulevard, 150 feet wide, Woodrow Wilson Avenue, 60 feet wide, and Kipling Avenue, 60 feet wide into a private easement for utilities.

The request was approved by the Solid Waste Division-DPW, and Traffic Engineering Division-DPW. The petitioner 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 Kipling 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 the public right-of-way into a private easement for utilities. Provision protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

WILLIAM TALLEY

Head Engineer

City Engineering Division-DPW

By Council Member Collins:

Resolved, All that part of the East-West public alley, 18 feet wide, lying Southerly of and abutting the South line of Lot 111, and lying Northerly of and abutting the North line of Lots 112, 113 and the East 31.00 feet of Lot 114, all in the "Lothrop and Duffield Boulevard Park Subdivision of part of Quarter Section 55 — 10,000 Acre Tract lying North of West Grand Boulevard", City of Detroit, Wayne County, Michigan as recorded in Liber 28 Page 1, 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 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 Kipling 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

