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**Department of Public Works
City Engineering Division**

May 14, 2007

Honorable City Council:

Re: Petition No. 2293 — Landstar R.E., L.L.C., request for vacation and conversion to easement the alley in the area of Edsel Ford Freeway (I-94), Harper, Chalmers and Marlborough.

Petition No. 2293 of "Landstar R.E., L.L.C." whose address is 10601 East Outer Drive — Detroit, Michigan 48224 c/o Kayed Bazzi request for 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), Chalmers Avenue, 100 feet wide, and Marlborough 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.

Landstar R.E., LLC, (the petitioner) have made numerous attempts over the past three (3) years to secure 100% of abutting property owners signature to close the East-West public alley in the block bounded by Harper, Edsel Ford Freeway (I-94), Chalmers and Marlborough. Kayed Bazzi of Landstar R.E., LLC have obtained signatures and/or purchase the land abutting the said alley except for one abutting property located at 14434 Harper Avenue. Kayed Bazzi of Landstar R.E., LLC have sent the property owner certified mail with a letter of consent for the alley closure. The certified mail was returned back to the sender as unclaimed. The original certified mail sent to the property at 14434 Harper is on file with The City Engineering Department — DPW.

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 public utilities. Provisions protecting utility installations are part of the resolution.

This resolution is attached for your Honorable Body for consideration.

Respectfully submitted,

JESSY JACOB
Interim City Engineer

City Engineering Division — DPW
By Council Member Collins:

Resolved, All that part of the East-West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lots 21, 158, and the public alley, 18 feet wide, vacated on December 1, 1959 — J.C.C. Page 2394 and lying Southerly of and abutting the South line of Lots 9 through 20, both inclusive, all in the "Sefton park Subdivision of Lot 4" of Plat of North-East 1/2 of Front and Rear Concession of P.C. 321 City of Detroit, Wayne County, Michigan as recorded in Liber 38, Page

86, 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 or 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, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easements, 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

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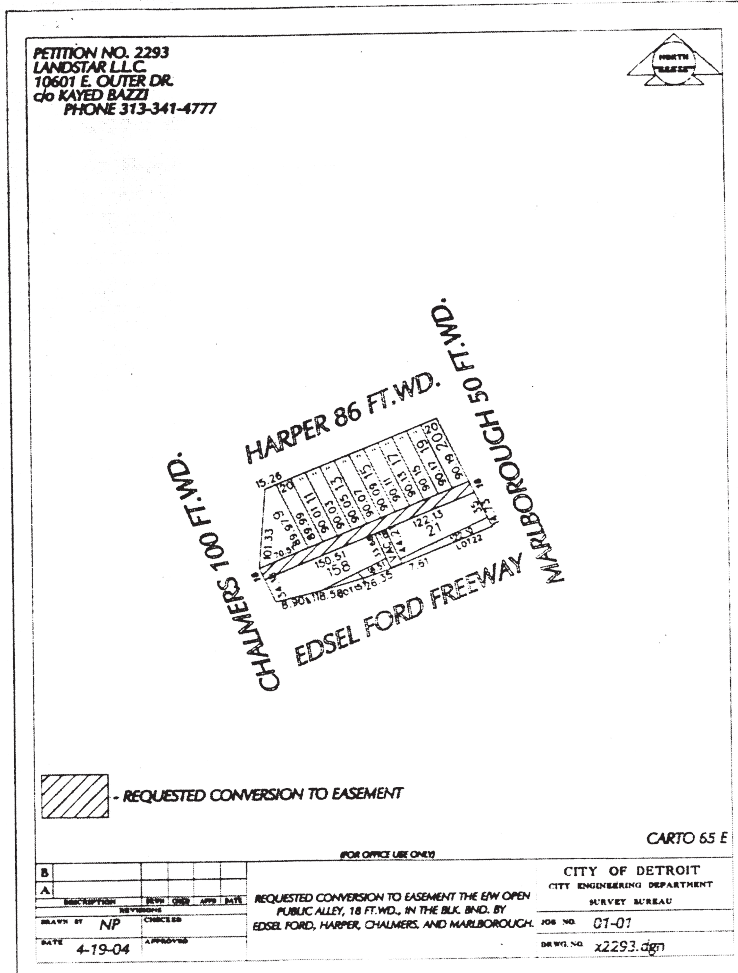
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excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

Provided, That if it becomes necessary to remove the paved alley return at the entrances (into Chalmers and Marlborough Avenues), 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.



Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, Conyers, and President K. Cockrel, Jr. — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**
 May 16, 2007
 Honorable City Council:
 Re: Petition No. 341 — Prevailing Com-

munity Development Corporation (The Prevailing Church) New Community Missionary Baptist Church, requesting permanent street closures of Thirty-Second Street and alleys in the area of West Warren Avenue, Junction Avenue and McGraw Avenue.
 Petition No. 341 — “Prevailing Community Development Corporation (The Prevailing Church) New Community Missionary Baptist Church” whose