

June 6

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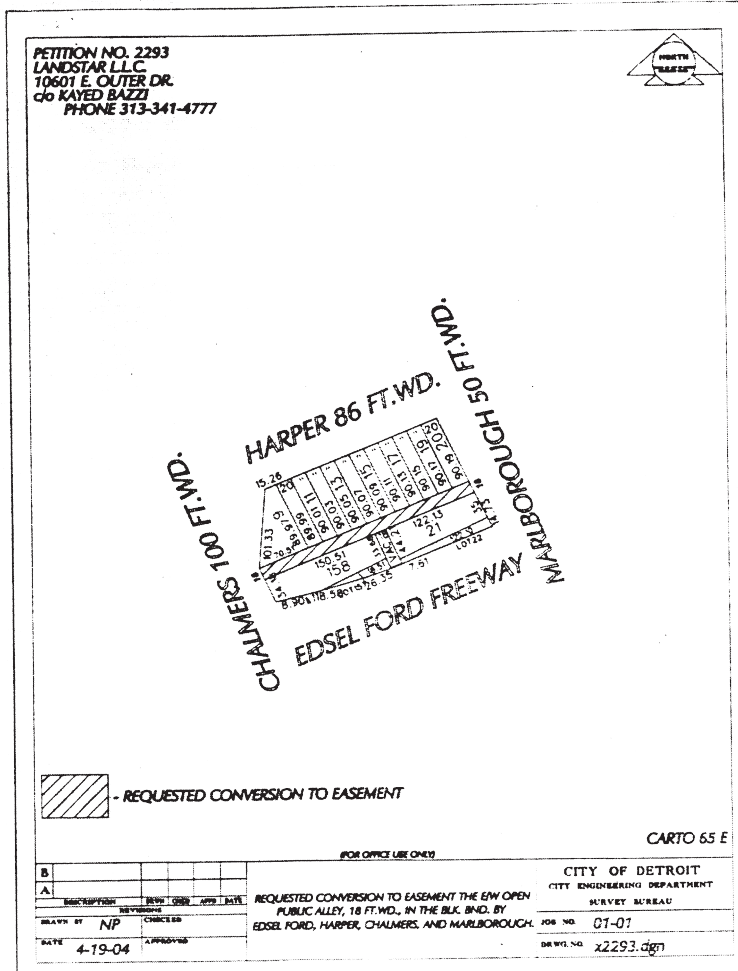
2007

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

June 6

1438

2007

address is 6136 Hazlett Avenue — Detroit, Michigan 48210 request for the conversion of Thirty-Second Street, 50 feet wide, between West Warren Avenue, 100 feet wide, and McGraw Avenue, 50 feet wide, also the East-West, and North-South public alleys, 18 and 20 feet wide in the block bounded by West Warren Avenue, 100 feet wide, McGraw Avenue, 50 feet wide, Junction Avenue, 50 feet wide, and Thirty-Third Street into private easements for utilities.

The request was approved by the Planning and Development Department, the Solid Waste Division — DPW, and the Traffic Engineering Division. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

All other City Departments and privately owned utility companies have reported no objections to the conversion of the public right-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

JESSY JACOB

Interim City Engineer

City Engineering Division — DPW  
By Council Member Watson:

Resolved, All that part of Thirty-Second Street, 50 feet wide, between West Warren Avenue, 100 feet wide, and McGraw Avenue, 50 feet wide, lying Westerly of and abutting the West line of Lot A and lying Easterly of and abutting the East line of Lot 8, Block 1, all in the "Fyfe, Barbour and Warren's Subdivision" of that part of P.C. 260 lying between Horatio Street and Warren Avenue, City of Detroit and Township of Springwells, Wayne County, Michigan recorded November 11, 1891 as recorded in Liber 16, Page 42, Plats, Wayne County Records;

Also, all that part of the North-South public alley, 20 feet wide, in the block bounded by West Warren Avenue, 100 feet wide, McGraw Avenue, 50 feet wide, Thirty-Third Street, 50 feet wide, and Junction Avenue, 50 feet wide, lying Westerly of and abutting the West line of Lots 9 through 12, both inclusive, Block 2, and lying Easterly of and abutting the East line of Lots 13 through 17, both inclusive, Block 2, all in the "Fyfe, Barbour and Warren's Subdivision" of that part of P.C. 260 lying between Horatio Street and Warren Avenue, City of Detroit and Township of Springwells, Wayne County, Michigan recorded November 11, 1891 as recorded in Liber 16, Page 42, Plats, Wayne County Records;

Also, all that East-West public alley, 18 feet wide, in the block bounded by West Warren Avenue, 100 feet wide, McGraw Avenue, 50 feet wide, Thirty-Third Street, 50 feet wide, and Junction Avenue, 50

feet wide, lying Northerly of and abutting the North line of Lot 9, Block 2, and lying Southerly of and abutting the South line of Lots 6 through 8, both inclusive, Block 2, all in the "Fyfe, Barbour and Warren's Subdivision" of that part of P.C. 260 lying between Horatio Street and Warren Avenue, City of Detroit and Township of Springwells, Wayne County, Michigan recorded November 11, 1891 as recorded in Liber 16, Page 42, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and alleys and is hereby converted into private easements for public utilities of the full width of the street and alleys, which easements 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 street and alleys and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public street and alleys 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 the public street and alleys in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated street and alleys 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 easements or rights-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 easements 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

June 6

1439

2007

made, without prior approval of the City Engineering Division—DPW,

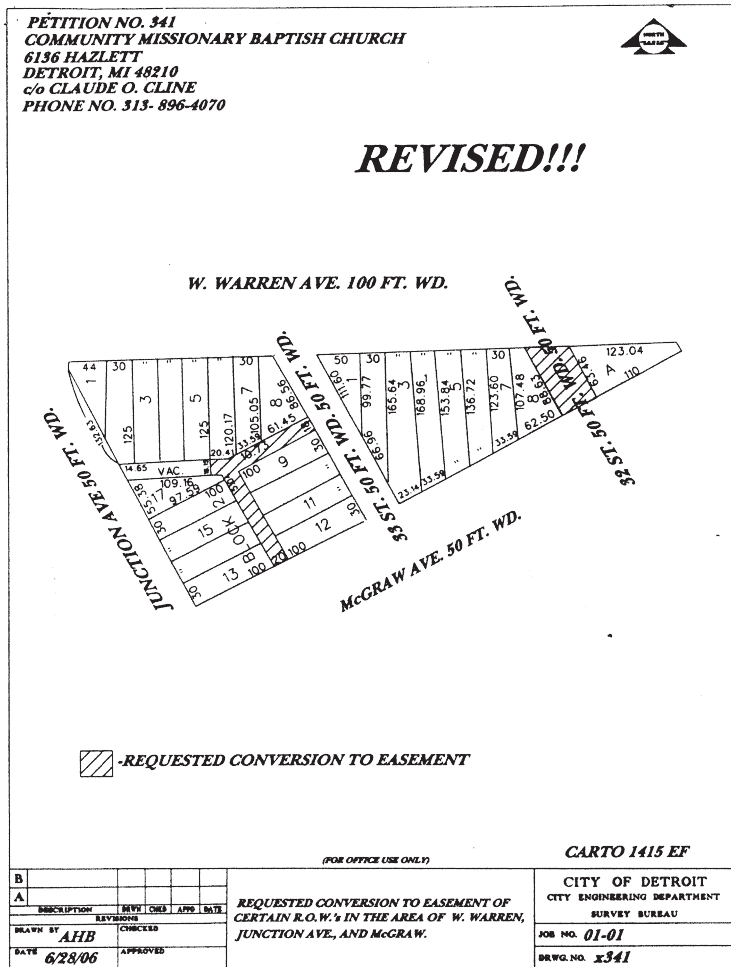
Fourth, That if the owners of any lots abutting on said vacated street and alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the 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 entrances (into McGraw Avenue and Thirty-Third Street), 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.