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certified letters to the three (3) property owners to secure signatures for the closure of the East-West and North-South public alleys, 18 and 20 feet wide, in the block bounded by Garfield Avenue, Meldrum Avenue, East Forest Avenue, and Beaufait Avenue. The petitioner has provided City Engineering Division — DPW, Survey Bureau with receipts of registered mail that went to the three (3) property owners as proof of mailing. The letters were not sent back to the petitioner with a denial or consent.

Noel Perry, Supervisor of Maps and Records, for the City Engineering Division — DPW went on a site visit to investigate the East-West and North-South public alleys, 18 and 20 feet wide, in the block bounded by Garfield Avenue, Meldrum Avenue, East Forest Avenue, and Beaufait Avenue on January 29, 2007. The investigation findings was that the owners and/or residents have no garages at the rear of the properties, and debris has started to accumulate in the corner of the North-South and East-West alleys. Also, that the one owner at 4652 Meldrum Avenue parks his/her car in the alley blocking access to the alley. The second owner at 6420 East Forest does not use the alley for access to the rear of his property, but has access off of East Forest, and had fence his/her property with an opaque fence. The investigation findings also, indicated the alley is not being used and is becoming a potential dumpsite.

The Detroit Water and Sewerage Department (DWSD) have sewers in the alleys abutting Lots 8, 19, 31, 41, 40, 39, 38, 37, 36 and 35. DWSD have no objections to the proposed conversion to easement provided an easement of the full width of the alley is reserved. DWSD, also have sewers in the alleys abutting Lots 9, 10, 11, 16, 17 and 18. DWSD have no objection to the proposed outright vacation provided that an easement is retained for DWSD's facilities located therein. The request to outright vacate the existing 30 feet by 20 feet easement abutting 12, 13, 14, and 15, DWSD can agree to the requested outright vacation provided that an easement is retained for DWSD's facilities located therein.

Trilogy Finishing (the Petitioner) has provided City Engineering Division — DPW, Survey Bureau with a letter that the construction will not cause for the utilities to be rerouted and/or removed from the requested area of vacation, and will provide the necessary utility companies with a private easement of the full width of the public alley and if it becomes necessary to reroute and/or removed from the requested area of vacation, and will provide the necessary utility companies with a private easement of the full-width of the public alley and if it becomes necessary to reroute and/or remove the utilities facilities the petitioner will borne all the cost.

All other City departments and privately owned utility companies have reported no objections to the conversion easement and outright vacation of public right-of-way. Provisions protecting utility installations are part of this 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 Watson:

Resolved, All that part of the East-West public alley, 20 feet wide, lying Northerly of and abutting the North line of Lot 19, and lying Southerly of and abutting the South line of Lot 8 all in the "Marx and Smith's Subdivision" of part of the East part of Lots 31 and 32 P.C. 18 Meldrum Farm recorded March 5, 1889, Detroit, Wayne County, Michigan as recorded in Liber 12 Page 57, Plats, Wayne County Records;

Also, all that part of the East-West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lot 40, and lying Southerly of and abutting the South line of Lots 35 through 39, both inclusive, all in the "Lotz and Bern's Mt. Elliot Avenue Subdivision" of part of Outlot 32 P.C. 18 Meldrum Farm recorded February 17, 1894, Detroit, Wayne County, Michigan, George Jerome—Surveyor, as recorded in Liber 19 Page 36, Plats, Wayne County Records;

Also, all that of the North-South public alley, 18 feet wide, lying Westerly of and abutting the South 60.50 feet of Lot 8 in the "Marx and Smith's Subdivision" of part of the East part of Lots 31 and 32 P.C. 18 Meldrum Farm recorded March 5, 1889, Detroit, Wayne County, Michigan as recorded in Liber 12 page 57, Plats, Wayne County Records, and lying Easterly of and abutting the East line of Lots 40 and 41 in the "Lotz and Bern's Mt. Elliott Avenue Subdivision" of part of Outlot 32 P.C. 18 Meldrum Farm recorded February 17, 1894, Detroit, Wayne County, Michigan, George Jerome—Surveyor, as recorded in Liber 19 Page 36, Plats, Wayne County Records;

Be and the same is hereby vacated as public alleys and is hereby converted into private easements for public utilities of the full width of the 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 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 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 public 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; and further

Second, Said utility easements or rights-of-way in and over said vacated 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; and further

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; and further

Fourth, That if the owners of any lots abutting on said vacated 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; and further

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

Resolved, All that part of the North-South public alley, 20 feet wide, (Deeded to the City of Detroit on Oct. 10, 1979 — J.C.C. Pgs. 2765-67) the East 20.00 feet of Lot 16 of "Marx and Smith's Subdivision" of part of the East part of Lots 31 and 32 P.C. 18 Meldrum Farm recorded March 5, 1889, Detroit, Wayne County, Michigan as recorded in Liber 12 Page 57, Plats, Wayne County Records,

Also, all that part of the East-West

public alley, 20 feet wide, lying Northerly of and abutting the North line of Lots 14 through 18, both inclusive, and lying Southerly of and abutting the South line of Lots 9 through 13, both inclusive, (with a portion previously vacated and converted into an easement on Oct. 10, 1979 — J.C.C. Pgs. 2765-67) all in the "Marx and Smith's Subdivision" of part of the East part of Lots 31 and 32 P.C. 18 Meldrum Farm recorded March 5, 1889, Detroit, Wayne County, Michigan as recorded in Liber 12 Page 57, Plats, Wayne County Records,

Be and the same is hereby vacated (out-right) as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions:

Provided, That the petitioner's construction will not cause for the utilities to be rerouted and/or removed from the requested area of vacation, and will provide the necessary utility companies with a private easement of the full width of the public alley and if it becomes necessary to reroute and/or remove the utilities facilities the petitioner will borne all the cost; and further

Provided, That if the petitioner at any time break or be damaged any private or public utility facilities as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incidental to the repair of such broken or damage utility facilities, and shall also be liable for all claims for damages resulting from his/her action; and further

Provided, That an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants, and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and further

Provided, That free and easy access to the sewers, water mains, fire hydrant and appurtenance within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and further

Provided, That the Detroit Water and Sewerage Department (retains the right to install suitable permanent main location guide posts over its water mains at reasonable intervals and at points of deflection; and further

Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc. shall be built upon or over said easement, or that no grade changes

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or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and further

Provided, That if at any time in the future, the owners of any lots abutting on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incident to the repair or such broken or damage sewers and water mains, and shall also be liable for all claims for damages resulting from his/her action; and further

Provided, That if it becomes necessary to remove the paved alley return at the entrances (into Beaufait, Garfield, and Meldrum Ave.), such removal and con-

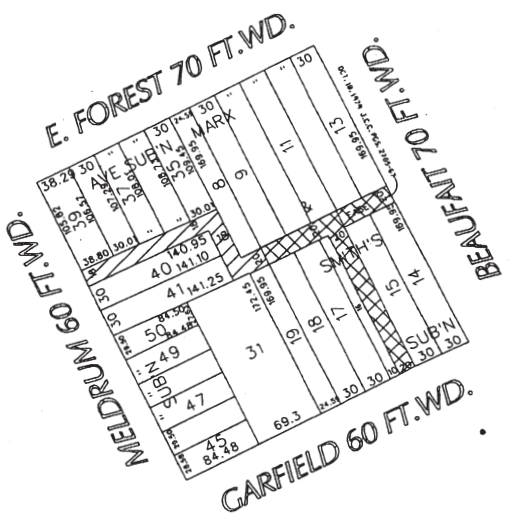
struction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Resolved, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following described parcel of land for the fair market value and/or other valuable consideration:

Land in the City of Detroit, Wayne County, Michigan being that part of the North-South public alley, 20 feet wide, the East 20.00 feet of Lot 16 of "Marx and Smith's Subdivision" of part of the East part of Lots 31 and 32 P.C. 18 Meldrum Farm recorded March 5, 1889, Detroit, Wayne County, Michigan as recorded in Liber 12 Page 57, Plats, Wayne County Records.

PETITION NO. 4354 & 1125
JAMES E. HEATH CONSULTING
SERVICES-TRILOGY FINISHING
17546 OAK DRIVE
DET., MI. 48211
PHONE NO. 313-342-9680



- REQUESTED CONVERSION TO EASEMENT
- REQUESTED OUTRIGHT VACATION

CARTO 48 D

(FOR OFFICE USE ONLY)			
B			
A			
RESCUPTION	DEVI	CHG	APP
DRAWN BY	CHECKED	REQUESTED CONVERSION TO EASEMENT AND OUTRIGHT VACATE CERTAIN ALLEYS IN THE AREA OF E. FOREST, GARFIELD, MELDRUM, AND BEAUFAIT.	
DATE	APPROVED	JOB NO.	DRAWG. NO.
1-13-06		01-01	x4354.dgn

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRAWG. NO. x4354.dgn