

May 20

1224

2008

**Department of Public Works
City Engineering Division**

April 8, 2008

Honorable City Council:

Re: Petition No. 1834 — Midwest Grosse Pointe Properties LLC, request conversion to easement the alley in the area of Warren Avenue, Farmbrook, and Radnor.

Petition No. 1834 of "Midwest Grosse Pointe Properties LLC" request the conversion of the East-West public alley, 20 and 16 feet wide, south of East Warren Avenue, 105 feet wide, and between Farmbrook Avenue, 60 feet wide, and Radnor Avenue, 70 feet into an easement.

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 the public rights-of-way into a private easement for the public utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

JESSY JACOB

Interim City Engineer

City Engineering Division — DPW

By Council Member Tinsley-Talabi:

Resolved, All that part of the East-West public alley, 20 and 16 feet wide, lying Southerly of and abutting the South line of Lots 189 through 193, both inclusive, and lying Northerly of and abutting the North line of Lot 188 in the "Leonard — Hillger Land Company's Subdivision" of a part of Lots 16, 17 and 18 of Plat of Private Claim 300, prepared for the heirs of Oliver Rivard recorded in Liber 221 Page 332 of Deeds, Grosse Pointe and Gratiot Townships (now City of Detroit) Wayne County, Michigan as recorded in Liber 41 Page 77, Plats, Wayne County Records; Also lying Southerly of and abutting the South line of Lots 128 through 132, both inclusive, and lying Northerly of and abutting the North line of Lot 127 in the "Mary L. Harris Subdivision No. 1" part of Lot 48 of the Plat of addition to the Rivard Park Subdivision of Private Claim 299 Gratiot and Grosse Pointe Townships (now City of Detroit) Wayne County, Michigan as recorded in Liber 51 Page 80, 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:

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 be it further

Provided, That free and easy access to the sewers, water mains, fire hydrants and appurtenances 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 be it further

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

Provided, Said easements or rights-of-way in and over said vacated alley(s) herein above described shall be forever accessible to the maintenance and inspection forces of the DWSD, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer or water main or any facility placed or installed in the DWSD easements or rights-of-way. The DWSD 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 easements with any necessary equipment to perform the above mentioned task, with the understanding that DWSD shall use due care in such crossing or use, and that any property damaged by DWSD, other than that specifically prohibited by this resolution, shall be restored to a satisfactory conditions; and be it 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 or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, That if 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

May 20

1225

2008

utilities in said easement, such owners shall pay all costs incidental 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 of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; and be it further

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, 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 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 Farmbrook and Radnor 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 heirs or assigns; and further

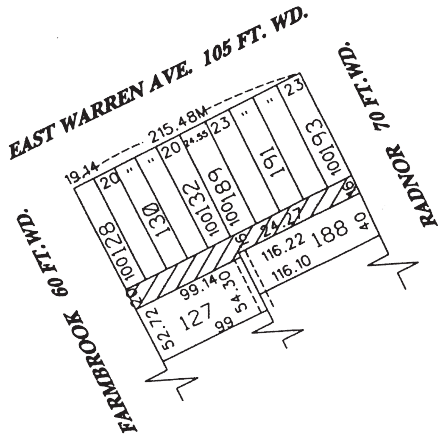
Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

May 20

1226

2008

PETITION NO. 1854
MIDWESWT GROSSE POINTE PROPERTIES, LLC
22201 MOROSS RD., SUITE 150
DETROIT, MI 48236
c/o QURESH KHAIRULLAH
PHONE NO. 313-886-8787



-REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 107 B

B											
A								CITY OF DETROIT CITY ENGINEERING DEPARTMENT			
DESCRIPTION		REV#	CHK#	APP#	DATE	REQUESTED CONVERSION TO EASEMENT THE EAST / WEST PUBLIC ALLEY IN THE AREA OF WARREN AVE. FARMBROOK, AND RADNOR.					
DRAWN BY		CHECKED				SURVEY BUREAU		JOB NO. 01-01			
DATE		APPROVED				DRAWING NO.		x1854.dgn			
7/10/07											

Adopted as follows:
 Yeas — Council Members S. Cockrel,
 Jones, Kenyatta, Reeves, Tinsley-Talabi,
 Watson, and President K. Cockrel, Jr. — 7.
 Nays — None.

Department of Public Works
City Engineering Division
 April 16, 2008

Honorable City Council:
 Re: Petition No. 2057 — DeMattia-Willys
 Overland Lofts Limited Dividend
 Housing Association, LLC, request
 vacation of the public right-of-way
 located in the area of Willis Street,
 Canfield, Cass, and Second.
 Petition No. 2057 of "DeMattia-Willys
 Overland Lofts Limited Dividend Housing
 Association, LLC whose address is 45501
 Helm Street, Plymouth, MI 48170,

request to vacate the North 21.00 feet of
 Willis Avenue, 100 feet wide, with a por-
 tion being previously vacated and con-
 verted into an easement on April 17, 1985
 — JCC Pages 788-89 in the block bound-
 ed by Willis Avenue, 100 feet wide,
 Canfield Avenue, 100 feet wide, Cass
 Avenue, 80 feet wide, and Second
 Avenue, 100 feet wide. The reason for the
 request is for the addition of patios and
 balconies to enhance the project and
 meet the demands of our customers.
 The request was approved by the
 Planning and Development Department,
 the Solid Waste Division — DPW, and the
 Traffic Engineering Division — DPW. The
 petition was referred to the City
 Engineering Division — DPW for investi-
 gation (utility clearance) and report. This
 is our report.