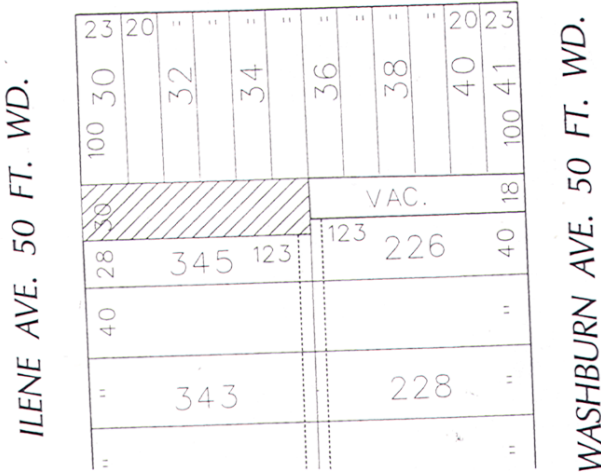


PETITION NO. 2103
 JOHN B. BROWN
 10145 WEST EIGHT MILE ROAD
 DETROIT, MICHIGAN 48221
 PHONE NO.: 313 658 3903



WEST EIGHT MILE ROAD 204 FT. WD.



- OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 88 C

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DESCRIPTION:	DATE	CHKD	APP	DATE	REQUEST OUTRIGHT VACATION OF THE 30 FOOT E/W ALLEY S. OF W. EIGHT MILE RD. (Lots 30-35) BETWEEN ILENE AND WASHBURN		
REVISIONS							
DRAWN BY	KSM	CHECKED		APPROVED	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU		
DATE	7-27-12	APPROVED			JOB NO.	01-01	DRAWG NO. V3103.dwg

Adopted as follows:
 Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**
 June 18, 2012

Honorable City Council:
 Re: Petition No. 2157 — Cassandra Pettway, conversion of alley to easement of property abutting the alley of Whitcomb and Oxley off of James Couzens.
 Petition No. 2157 of "Cassandra Pettway", request for the conversion of the north-south public alley, 20 feet wide, south of James Couzens Southbound Service Drive and between Oxley

Avenue, 60 feet wide and Whitcomb Avenue, 100 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.
 All City departments and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into 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,
 RICHARD DOHERTY
 City Engineer
 City Engineering Division — DPW

By Council Member Brown:

Resolved, All that part of the North-South public alley, 20 feet wide, south of James Couzens Southbound Service Drive and between Oxley Avenue, 60 feet wide and Whitcomb Avenue, 100 feet wide, lying Westerly of and abutting the West line of Lots 1098 through 1106, both inclusive, and lying Easterly of and abutting the East line of Lots 1213 and 1245 all in the "San Bernardo Park No. 3" being a subdivision of the South 1/2 of the Northwest 1/4 of Section 6, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 55 Page 23, 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 easements 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, 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 easements, or that no grade changes or storage of materials shall be made within said easements 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 alley shall request the removal and/or

relocation of the aforementioned utilities in said easements, 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 easements 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,

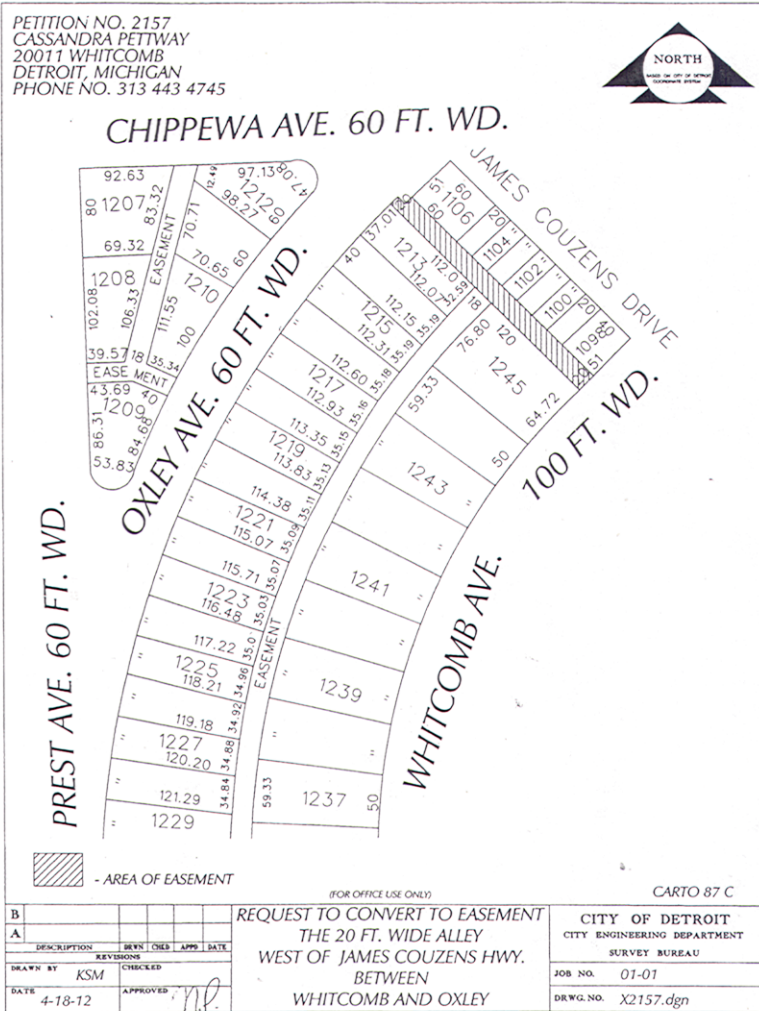
Fifth, That if any utility located in said

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 Whitcomb 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 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 Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.
 Nays — None.