

Adopted as follows:

Yeas — Council Members Cockrel, Jr., Jones, Spivey, Tate, Watson, and President Jenkins — 6.
Nays — None.

**Department of Public Works
City Engineering Division**

June 24, 2013

Honorable City Council:

Re: Petition No. 2662 — Louay Audish request to vacate the alley between John R and Conventry Street behind my business.

Petition No. 2662, Louay Audish request the conversion of the west portion of the east-west public alley, 20 feet wide, (Deeded to the City of Detroit on May 7, 1940) in the block bounded by East Eight Mile Road, 204 feet wide, Winchester Avenue, 50 feet wide, John R Street, 66 feet wide, and Conventry Avenue, 75 feet wide into an 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 a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

RICHARD DOHERTY

City Engineer

City Engineering Division — DPW

By Council Member Jones:

Resolved, All that part of the east-west public alley, 20 feet wide, (Deeded to the City of Detroit on May 7, 1940) in the block bounded by East Eight Mile Road, 204 feet wide, Winchester Avenue, 50 feet wide, John R Street, 66 feet wide, and Conventry Avenue, 75 feet wide, lying Northerly of and abutting the North line of Lot 728 and lying Southerly of and abutting the South line of Lot 729 all in the "Gilmore & Chacanelle's Subdivision No. 2" of part of the Northwest 1/4 of Northwest 1/4 of Section 1, T.1S., R.11E., City of Detroit, Wayne County, Michigan as recorded in Liber 40, Page 97, 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 hydrant 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 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 at any time in the future, the owners of any lots abutting on said vacated alley 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 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 easement, 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 John R 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.

Now, Therefore Be It

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

Land in the City of Detroit, Wayne County, Michigan being all that part of the East-West public alley, 20 feet wide, in the block bounded by East Eight Mile Road, 204 feet wide, Winchester Avenue, 50 feet wide, John R Street, 66 feet wide, and Conventry Avenue, 75 feet wide, lying Northerly of and abutting the North line of Lot 728 and lying Southerly of and abutting the South line of Lot 729 all in the "Gilmore & Chacanelle's Subdivision No. 2" of part of the Northwest 1/4 of Northwest 1/4 of Section 1, T.1S., R.11E., City of Detroit, Wayne County, Michigan as recorded in Liber 40, Page 97, Plats, Wayne County Records.

PETITION NO. 2662
LOUAY AUDISH
10 EAST EIGHT MILE ROAD
DETROIT, MICHIGAN

EAST EIGHT MILE RD. 204 FT. WD.

JOHN R. ST. 66 FT. WD.

COVENTRY AVE. 75 FT. WD.

WINCHESTER AVE. 50 FT. WD.

(FOR OFFICE USE ONLY) CARTO 37 B

733	18	100	18	100	35
731	18	100	18	100	35
730	18	100	18	100	35
728	18	100	18	100	35
727	18	100	18	100	35
725	18	100	18	100	35
723	18	100	18	100	35
721	18	100	18	100	35
719	18	100	18	100	35
717	18	100	18	100	35
715	18	100	18	100	35
713	18	100	18	100	35
711	18	100	18	100	35
709	18	100	18	100	35
707	18	100	18	100	35
705	18	100	18	100	35
703	18	100	18	100	35
701	18	100	18	100	35
699	18	100	18	100	35
697	18	100	18	100	35
695	18	100	18	100	35
694	18	100	18	100	35

AREA OF EASEMENT

B					
A					
DESCRIPTION	REVISED	APP'D	DATE	REQUEST CONVERSION TO EASEMENT THE WEST PORTION OF THE E/W ALLEY, 20 FEET WIDE, IN THE AREA BOUND BY JOHN R., 8 MILE, COVENTRY AND WINCHESTER	
DRAWN BY	CHECKED	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU			
DATE	APPROVED	JOB NO.	01-01		
3-27-13		DRWG. NO.	X2662		

Adopted as follows:
Yeas — Council Members Cockrel, Jr., Jones, Spivey, Tate, Watson, and President Jenkins — 6.
Nays — None.

Dangerous Structures
Honorable City Council:
In accordance with Section 12-11-28.4 of the Building Code, hearings were held for the purpose of giving the owner or owners the opportunity to show cause why certain structures should not be demolished or otherwise made safe. After careful consideration of same, your Committee recommends that action be taken as set forth in the following resolution.
Respectfully submitted,
BRENDA JONES
Chairperson

By Council Member Jones:
Resolved, That the findings and determination of the Buildings and Safety Engineering Department that certain structures on premises known as 14046 Stahelin, 16838 Stahelin, 3655 Three Mile Dr., 4200 Three Mile Dr., 4414 Three Mile Dr., 4611 Three Mile Dr., 1417 Van Dyke, 1449 Van Dyke, 9001-3 W. Vernon aka 2060 Sharon, 874 Virginia Park, 14670 Woodmont, 7618 Woodrow Wilson, 7122-24 Tuxedo, and 15380 Rosa Parks, as shown in proceedings of July 23, 2013 (J.C.C. pgs. 1272-1275), are in a dangerous condition and should be removed, be and hereby approved, and be it further
Resolved, That the Buildings and Safety Engineering Department be and it is hereby authorized and directed to take the necessary steps for the removal of