



Adopted as follows:
 Yeas — Council Members Ayers, Benson, Cushingberry, Jr., Leland, Castaneda-Lopez, Sheffield, Spivey, Tate, and President Jones — 9.
 Nays — None.

Planning & Development Department
 July 15, 2014

Honorable City Council:
 Re: Petition No. 246: Bethany Baptist Church request to permanently close the alley located at 15122 W. Chicago between Coyle and Sussex. (Reference Petition #3458)
 At the request of your Honorable Body, the Planning and Development Department (P&DD) is hereby responding to the above referenced petition.
 The Planning and Development Department has reviewed the petition and

determined that the Department of Public Works — City Engineering Division has jurisdiction regarding alley closings. City Engineering is the entity required by the City Charter to evaluate the feasibility of Petition No. 246. The Planning and Development Department, therefore, will defer action on this petition to City Engineering. City Engineering will contact and coordinate the various utility and city agencies' responses, which include a response from the P&DD. City Engineering will prepare the final recommendation report to City Council.

In additional information is required from our department regarding this matter, please contact Ms. Crystal Wilson of my staff at (313) 224-6543.

Respectfully submitted,
 JOHN BARAN
 Executive Manager

By Council Member Benson:

Resolved, All of the east-west public alley, 20 feet wide, and the southerly part of the north-south alley, 18 feet wide in the block bounded by West Chicago Avenue, 66 feet wide, Orangelawn Avenue, 60 feet wide, Sussex Avenue, 60 feet wide and Coyle Avenue, 60 feet wide and being more particularly described as the public alley 20 feet wide lying northerly of and adjoining the north line of Lots 266 through 276, both in inclusive and lying southerly of and adjoining the south line of Lots 265 and 277; also the north-south public alley, 18 feet wide, lying easterly of and adjoining the east line of Lots 264 and 265, and lying westerly of and adjoining the west line of Lots 277 and 278, all in "Nicholson Park Subdivision of the S.W. 1/4 of the N.W. 1/4 of Section 31, T.1S., R.11E., Greenfield Township, Wayne County, Michigan" as recorded in Liber 52, Page 53 of Plats, Wayne County Records.

Be and the same are hereby vacated as public alleys and are hereby converted into private easements for public utilities, 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 easement or right-of-way over said 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 a public street or 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 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 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 alleys 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

Provided, That the Public Lighting Department shall have unimpeded 24-hour-per-day access to the easement area, and be it 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 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 posts 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 any time in the future, the owners of any lots abutting on said vacated alleys 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

Provided, That if it becomes necessary to remove the paved alley returns at the entrance (into Sussex or Coyle 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.

PETITION NO. 246
 BETHANY BAPTIST CHURCH
 15122 W. CHICAGO AVE.
 DETROIT, MICHIGAN 48228
 C/O PASTOR DR. SAMUEL H. BULLOCK JR.
 PHONE NO. 313 836-7667

ORANGELAWN AVE. 60 FT. WD.

SUSSEX AVE. 60 FT. WD.

COYLE AVE. 60 FT. WD.

W. CHICAGO AVE. 66 FT. WD.

- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

B	DESCRIPTION	DATE	BY	APPROVED	DATE
A	REQUEST TO CONVERT TO EASEMENT THE EASTWEST, 20 FT. WD. AND A PORTION OF THE NORTHSOUTH, 16 FT. WD. PUBLIC ALLEY IN THE BLOCK BOUND BY SUSSEX, ORANGELAWN, COYLE AND W. CHICAGO AVE.	06-01-14	WLW		

CARTO 82 C

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 07-07
 DRWG. NO. X 246