

Adopted as follows:  
 Yeas — Council Members Ayers, Benson, Cushingberry, Jr., Leland, Castaneda-Lopez, Sheffield, Tate, and President Jones — 8.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**

June 6, 2016

Honorable City Council:  
 Re: Petition No. 509, Brian Brandom, request to close off the alley located between Lesure and Stansbury (east and west) directly north of Vasser Road.

Petition No. 509 — Brian Brandom, request to vacate and convert to easement the east-west public alley, 18 feet wide, in the block of Vasser Drive, 150 feet wide, St. Martins Avenue, 50 feet wide,

Stansbury Avenue, 60 feet wide and Lesure Avenue, 60 feet wide.

This request is being made to provide security for the homeowners.

The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW.

All involved City departments, including Public Lighting Authority and privately owned utility companies have reported no objections to the conversion of public right-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.

Public Lighting Department (PLD) reports that they need 24-hour unimpeded heavy

truck access. A provision for the required PLD access is included in the resolution.

Detroit Water and Sewerage Department (DWSD) has no objection to the conversion to easement. The specific DWSD provisions for easements are included in the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
 RICHARD DOHERTY, P.E.  
 City Engineer

City Engineering Division — DPW  
 By Council Member Benson:

Resolved, All of the east-west public alley, 18 feet wide, in the block of Vasser Drive, 150 feet wide, St. Martins Avenue, 50 feet wide, Stansbury Avenue, 60 feet wide and Lesure Avenue, 60 feet wide and described as:

Land in the City of Detroit, Wayne County, Michigan being the east-west public alley, 18 feet wide, lying northerly of and adjoining the northerly line of Lots 2725 through 2730, both inclusive, also lying southerly of and adjoining the southerly line of Lots 2724 and 2731 "Blackstone Park Subdivision No. 5 of the NE 1/4 of the S.E. 1/4 of Section 6, T.1S., R.11E. Greenfield Twp., Wayne County, Michigan" as recorded in Liber 52, Page 64 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public alley and 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:

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

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 any 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

Provided, That the Public Lighting Department (PLD) shall have 24-hour unimpeded heavy truck access way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing PLD facilities contained therein, and be it further

Provided, That if it becomes necessary to remove the paved alley return at the entrances (into Lesure Avenue or Stansbury 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.


PETITION NO. 509  
 BRIAN BRANDOM  
 19435 LESURE AVE.  
 DETROIT, MICHIGAN 48235  
 PHONE NO. 313 529-5445



**ST. MARTINS AVE. 50 FT. WD.**

	40	124.03	18	124.03	40
	2740			2715	
	2738			2717	
	2736			2719	
	2734			2721	
	2732			2723	
	2731			2724	
	40	124.03	18	124.03	40
	131.91				
	2730				
	131.84				
	131.77				
	2728				
	131.72				
	131.66				
	2726				
	131.60				
	2725				
	131.53				
	48.03	45	40	40	45
	48.03			48.03	

**VASSAR DR. 150 FT. WD.**

 - REQUESTED CONVERSION TO EASEMENT

FROM OFFICE USE ONLY  
 CARTO 87 E

B									
A	REVISION	DATE	BY	CHECKED	DATE	BY	CHECKED	DATE	BY
	NEW				11-04-15				
REQUEST TO CONVERT TO EASEMENT THE EAST/WEST PUBLIC ALLEY, 18 FT. WD. IN THE BLOCK BOUND BY STANSBURY, ST. MARTINS, LESURE AVE. AND VASSAR DR.					CITY OF DETROIT CITY ENGINEERING DEPARTMENT STEVE SEBAST				
					JOB NO. 01-01				
					DRAWING X 509				