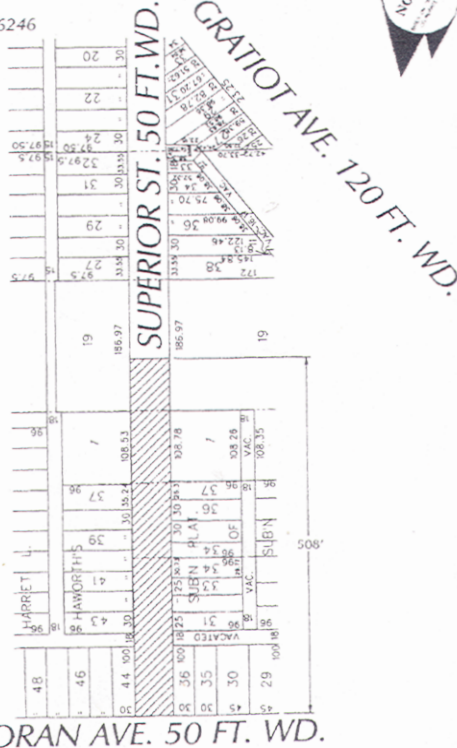


PETITION NO. 241
 FAYGO BEVERAGES INC.
 3579 GRATIOT AVE.
 DETROIT, MICHIGAN 48207
 C/O DAN TRPEVSKI
 PHONE NO. 313 925-1600 X 6246



- REQUESTED CONVERSION TO EASEMENT
(FOR OFFICE USE ONLY)

CARTO 40 F

B				CITY OF DETROIT	
A				CITY ENGINEERING DEPARTMENT	
DESCRIPTION				SURVEY BUREAU	
REVISIONS	DATE	BY	APP. DATE	JOB NO. 01-07	
DESK BY WLW	CHANGED			DRAWING NO. X 241	
DATE 05-22-14	APPROVED				

REQUEST TO CONVERT TO EASEMENT
 PORTION OF SUPERIOR ST., 50 FT. WD.
 BETWEEN MORAN AND GRATIOT AVE.

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

**Department of Public Works
 City Engineering Division**

March 28, 2017

Honorable City Council:
 Re: Petition No. 1165, Mike Fisher, request to combine and vacate the alley located at 2437 S. Schaefer Hwy., Detroit, MI 48237.

Petition No. 1165 – Mike Fisher request to vacate and convert to easement the east-west public alley, 20 feet wide in the block of Schaefer Highway, 120 feet wide, Toronto Avenue, 60 feet wide, Annabelle Avenue, 60 feet wide and Beatrice Avenue, 60 feet wide.

This request is being made to enhance

the security at 2437 S. Schaefer Hwy. and the security of the neighborhood.

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

The petition has the support of the adjoining owner on Annabelle Avenue. The adjoining owner at 1624 S. Beatrice is opposed to the closing of the alley because of the zoning; and feels the closure would bring the commercial property line closer to the residential property. She states that she has maintained the alley adjoining her property. The objecting party is:

Gloria D. Davis Telephone No.
 1624 S. Beatrice (313) 842-0392
 Detroit, MI

DPW – City Engineering will inform Gloria D. Davis when this report leaves our office; and we will give her the City Clerk's office contact information so that she may voice her objection at the appropriate time.

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

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.

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

This resolution to vacate and convert to easement the public alley is offered for your consideration.

Respectfully submitted,
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW
By Council Member Benson:

Resolved, that the east-west public alley, 20 feet wide, in the block of Schaefer Highway, 120 feet wide, Toronto Avenue, 60 feet wide, Annabelle Avenue, 60 feet wide and Beatrice Avenue, 60 feet wide, and described as: Land in the City of Detroit, Wayne County, Michigan being all of the east-west public alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 105 thru 114, both inclusive, and lying southerly of and adjoining the southerly line of Lots 31 and 64 "Baskin Brothers Subdivision of part of Private Claim 125, City of Detroit, Wayne Co. Michigan" as recorded in Liber 71, Page 80 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 an 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 the way of illustrations 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 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 reason-

