



Adopted as follows:
 Yeas — Council Members Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Tate and President Jones — 7.
 Nays — None.

**Department of Public Works
 City Engineering Division**

January 28, 2019

Honorable City Council:

Re: Petition No. 428 — Pamela Latimer request to close a portion of the alley located next to 2326 Fullerton Street between 14th and LaSalle.

Petition No. 428 — Pamela Latimer requesting the vacation and conversion to easement of the east-west alley, 18 feet wide, and the north-south alley, 20 feet wide, in the block of Fullerton Avenue, 50 feet wide, Leslie Avenue, 50 feet wide,

LaSalle Avenue, 50 feet wide, and 14th Avenue, 50 feet wide.

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

The request is being made to prevent illegal activities currently occurring in the alleys, and to make the area safer for the residents.

The request was approved by the Solid Waste Division — DPW, and Traffic Engineering Division — DPW, and City Engineering — 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. DTE Energy — Electric reports having facilities in the

subject streets. Provisions for DTE to have unimpeded access to maintain their facilities are a part of the resolution.

All other involved City Departments, and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into a private easements 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, P.E.

City Engineer

City Engineering Division — DPW
By Council Member Benson:

Resolved, That all of the east-west alley, 18 feet wide, and the north-south alley, 20 feet wide, in the block of Fullerton Avenue, 50 feet wide, Leslie Avenue, 50 feet wide, LaSalle Avenue, 50 feet wide, and 14th Avenue, 50 feet wide, further described as: land in the City of Detroit, Wayne County, Michigan being the:

1) The north-south alley, 20 feet wide, opened by Detroit Common Council on April 29, 1969 in J.C.C. pages 1015-1016 described as: West 10 feet of Lot 83 "Robert Oakman's Alta Vista Subdivision, Part of S.E. 1/4 Section 14 10,000 Acre Tract Greenfield Township, Wayne County, Michigan" as recorded in Liber 31, Page 27 of Plats, Wayne County Records; also the East 10 feet of the parcel adjacent to and West of said Lot 83. (Said parcel described as being the East 50 feet of part of S.E. 1/4 Section 14 10,000 Acre Tract lying north of and adjoining Fullerton Avenue, and lying South of and adjoining the east-west alley 1st North of Fullerton and lying East of and adjoining Lot 207 "Lathrup's Home Subdivision of S.E. 1/4 Section 14 10,000 Acre Tract, Greenfield Township, Wayne County, Michigan" as recorded in Liber 31, Page 8 of Plats, Wayne County Records.)

2) The part of the east-west alley, 18 feet wide, lying northerly of and adjoining the northerly line of Lots 207 through 213, both inclusive, and lying southerly of and adjoining the southerly line of Lots 268 through 274, both inclusive "Lathrup's Home Subdivision of S.E. 1/4 Section 14 10,000 Acre Tract, Greenfield Township, Wayne County, Michigan" as recorded in Liber 31, Page 8 of Plats, Wayne County Records.

Also, the part of east-west alley, 18 feet wide, lying northerly of and adjoining the northerly line of the westerly 10 feet of Lot 83 as platted, and lying southerly of and adjoining the southerly line of the westerly 10 feet of Lot 164 "Robert Oakman's Alta Vista Subdivision, Part of S.E. 1/4 Section 14 10,000 Acre Tract Greenfield Township, Wayne County, Michigan" as recorded in Liber 31, Page 27 of Plats, Wayne County Records.

Also, the part of the East-west alley, 18 feet wide, opened by Detroit Common Council on October 21, 1924 described as part of 1/4 Section 14 10,000 Acre Tract, T.1S.,R.11E. Beginning at the northwest corner of Lot 83 "Robert Oakman's Alta Vista Subdivision, Part of S.E. 1/4 Section 14 10,000 Acre Tract Greenfield Township, Wayne County, Michigan" as recorded in Liber 31, Page 27 of Plats, Wayne County Records; thence N26°14'W 18 feet to the southeast corner of Lot 164 of the last mentioned subdivision; thence S71°53'W 50.60 feet to the southeast corner of Lot 274 of "Lathrup's Home Subdivision of S.E. 1/4 Section 14 10,000 Acre Tract, Greenfield Township, Wayne County, Michigan" as recorded in Liber 31, Page 8 of Plats, Wayne County Records; thence S26°14'E 18 feet to the northeast corner of Lot 207 of last mentioned subdivision; thence N71°53'E 50.60 feet to the place of beginning.

Be and the same are hereby vacated as a public rights-of-way and converted into a private easements for public utilities of the full width of the right-of-way, 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 rights-of-way 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 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 right-of-way 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 (except necessary line fences or gates), 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 easements; 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 petitioner maintain Fire Department vehicle access to all buildings, structures, fire hydrants, and fire department connections, and further

Provided, That an easement, the full width of the existing right-of-way is reserved for DTE Electric Company (DTE) for the purpose of installing, maintaining, repairing, removing, or replacing any overhead and underground utilities facilities which may consist of underground vaults, pipelines, poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers, and accessories (collectively DTE facilities) with the right of ingress/egress at any time to, and over said easement for the purpose above set forth, and further

Provided, That free and easy access (i.e. gated access with DTE locks at all ends of the easement) to the DTE facilities and within the easement is reserved for DTE 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 facilities, and further

Provided, Said owners of the adjoining property for themselves, 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 changes or storage of materials, shall be made within said easement without prior written approval of DTE, and 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 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 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 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 if it becomes necessary to remove any of the paved alley returns at the entrance (into Fullerton Avenue, or LaSalle 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.

