

**City Engineering Department**

November 30, 1988

Honorable City Council:

Re: Petition No. 2027. Redford Presbyterian Church. Conversion to easement of 2 east-west public alleys in the (triangular) block bounded by Redford, Rockdale and W. McNichols.

Petition No. 2027 of "Redford Presbyterian Church" requests the conversion of the east-west public alley, 3 feet wide, and a portion of the east-west public alley, 12 feet wide, in the (triangular) block bounded by Redford Avenue, Rockdale Avenue, and W. McNichols Road into an easement for public utilities.

The requested conversion (into public utility easements) was approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Ravitz:

Resolved. All of the east-west public alley, 3 feet wide, in the (triangular) block bounded by Redford Avenue, Rockdale Avenue, and W. McNichols Road lying northerly of and abutting the north line of Lots 1 to 7 as platted in "Alonzo P. Woodruff's Subdivision" of the Southeast Quarter of Section 9, Town 1 South, Range 10 East, Redford Village, City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 18, Plats, Wayne County Records; also lying southerly of and abutting the south line of part of a strip of surplus property (variable width) in the Southeast Quarter of Section 9, Town 1 South, Range 10 East, Redford (Township), City of Detroit, Wayne County, Michigan; also

All that part of the east-west public alley, 12 feet wide, in the (triangular) block bounded by Redford Avenue, Rockdale Avenue, and W. McNichols Road lying southerly of and abutting the south line of the west 9.30 feet of Lot 33, and Lots 34 to 38 as platted in "Allen M. Bosworth's Subdivision" on the Southeast corner of Section 9, in Redford (Township), Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan as recorded in Liber 22, Page 32, Plats, Wayne County Records; also lying northerly of and abutting the north line of a part of a strip of surplus property (variable width) in the Southeast Quarter of Section 9, Town 1 South, Range 10 East, Redford (Township), City of Detroit, Wayne County, Michigan;

Be and the same are hereby vacated as public alleys and are hereby converted into a public easement of the full width of the alleys, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of 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 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 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 tasks, 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 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 fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the City Engineering Department.

Fourth, that if the owners of 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 Further, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

JAN. 4, 1989  
J.C.C. PGS. 20-21

