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Law Department

May 11, 1989

Honorable City Council:

Re: Amended Resolution — Alley Conversion — Petition Nos. 2179 and 2292.

At the November 21, 1989 public hearing Petition Nos. 2179 and 2292 were held over pending further investigation

by Community and Economic Development Department. Since that hearing the Community and Economic Development Department has recommended approval of the closure at this time. A copy of the letter is on file in the City Clerk's Office.

The following resolution is submitted to your Honorable Body for approval to reflect the closing of the two alley petitions.

Respectfully submitted,
NORRIS GOUDY
Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN
Corporation Counsel

By Council Member Hood:

Whereas, the following petitions have been filed with the City Council, signed by not less than two-thirds of the owners of properties respectfully abutting the alleys as herein described, pursuant to the ordinance for the purpose of determining the advisability of these alley vacations.

Now Therefore Be It

PETITION NO. 2179
CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY PINEWOOD, LAPPIN, DRESDEN, AND STRASBURG AVENUES:

That all that part of an eighteen (18) foot wide section of public alley running in a North/South direction in the block bounded by PINEWOOD, LAPPIN, DRESDEN, AND STRASBURG AVENUES, abutting Lots 110 thru 124, both inclusive, on the West of said alley and Lots 179 thru 193, both inclusive, on the East of said alley, in the MCGIVERIN-HANDEMAN'S SEVEN MILE DRIVE SUBDIVISION of the West 1/2 of the East 1/2 of the Southwest 1/4 of Section 2, Tract 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 54, Page 49 of Plats, as recorded in Wayne County Records;

PETITION NO. 2292

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY WEST WARREN, WHITLOCK, LONGACRE, AND RUTLAND AVENUES:

That all that part of an eighteen (18) foot wide section of public alley running in a North/South direction in the block bounded by WEST WARREN, WHITLOCK, LONGACRE, AND RUTLAND AVENUES, abutting Lots 151 thru 172, both inclusive, on the West of said alley and Lots 194 thru 215, both inclusive, on the East of said alley, in the FRISCHORNS HIGHLAND SUBDIVISION, of the Northwest 1/4 of the Northwest 1/4 of Section 12, Tract 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in

Liber 41, Page 14 of Plats, as recorded in Wayne County Records;

Be and same are hereby vacated as public alleys and are hereby converted into public easements of the full width of the alleys, 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 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 easements or right-of-ways over said vacated public alleys hereinabove described for the purpose 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 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 hereinabove 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 easements 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 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) shall be built or placed upon said easement, nor any change or surface grade made, without prior approval by the Department of Public Works.

Fourth, 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 any existing poles or other utilities in said easements, such owners, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Provided further, that if any utility located or to be located in said property shall break or be damaged as a result of any action on the part of the petitioner or assigns (by way of illustration but not limitation), such as storage or excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility and be it further.

Resolved, that the City Clerk shall, within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds, and shall send a certified copy to the State Treasurer, and shall further transmit a copy of this resolution to the City Engineer, to the Law Department and to the Department of Public Works; and be it further

Resolved, that upon the receipt of a copy of the resolution, the Law Department shall notify the owners of the property abutting on such alley or portions thereof, and other necessary parties, that the alley or portions thereof have been vacated and converted in easement for utilities; and be it further

Resolved, that upon the receipt of a copy of the resolution, the City Engineer shall correct the official city maps and records; and be it further

Resolved, that upon the receipt of a copy of the resolution, the Department of Public Works shall adjust its garbage and refuse collection services accordingly.

Approved:

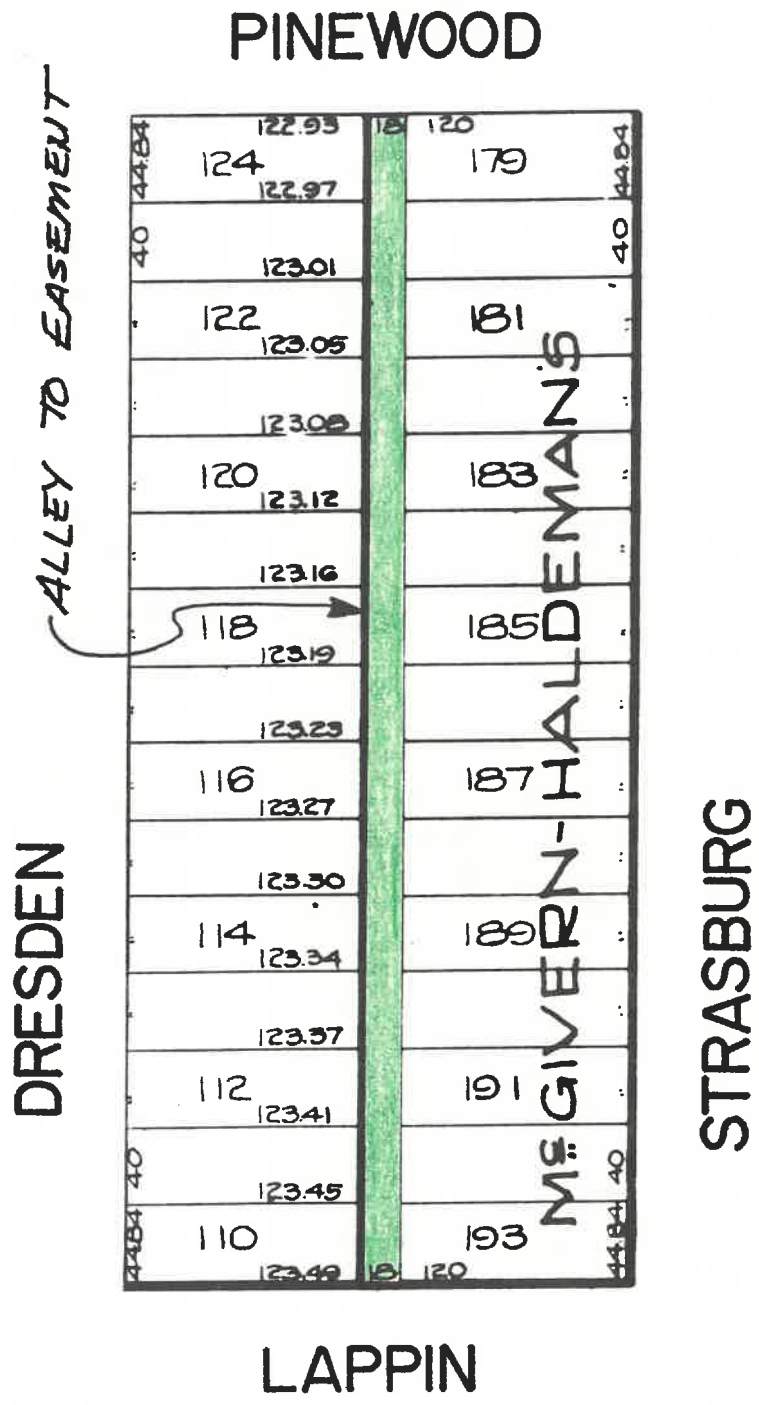
DONALD PAILEN
Corporation Counsel

Adopted as follows:

Yeas — Council Members Collins, Hood, Mahaffey, Kelley, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

MAY 31, 1989
J.C.C. PGS. 1313-14



PET. NO. 2179
CARTO NO. 93-F