

Law Department

March 13, 1990

Honorable City Council:

Re: Petitions to Convert Alleys to Easement.

For your consideration, submitted herewith are two (2) petitions requesting the temporary closing of these alleys for five (5) years, in the City of Detroit.

The requested closing for five years were recommended by the Community and Economic Development Department upon prior investigation and report. For filing in the office of the City Clerk, please find reports, petitions to vacate the public alleys, sketches of the alleys and Notice of the City Council hearing.

All other involved City Departments and privately owned utility companies have no objections to the conversion of the public right-of-ways provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
BEVERLY J. HAYES
Supervising Assistant
Corporation Counsel

Approved

DONALD PAILEN

Corporation Counsel

By: **ABIGAIL ELIAS**

Deputy Corporation Counsel

By Council Member Eberhard:

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

Now, Therefore, Be It Resolved:

Petition No. 3170

Conversion to Easement of the North/South Alley in the Block Bounded by Chandler Park Drive, Yorkshire, Southampton and Kensington 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 Chandler Park Drive, Yorkshire, Southampton and Kensington Avenues, abutting Lots 330 to 332, both inclusive, on the South of said alley and Lots 237 to 240, both inclusive, on the North of said alley, in the Eastern Heights Land Company's Subdivision, of part of P.C.'s 695 and 111, City of Detroit, Wayne County, Michigan, as recorded in Liber 48, Page 23 of Plats, Wayne County Records;

Petition No. 3282

Conversion to Easement of the North/South Alley in the Block Bounded by

Grayton, Yorkshire, Laing and Whitehill Avenues;

That all that part of an twenty (20) foot wide section of public alley running in a North/South direction, in the block bounded by Grayton, Yorkshire, Laing and Whitehill Avenues, abutting Lots 194 to 199, both inclusive, on the Northeast of said alley and Lots 200 on the North of said alley and Lot 267 on the South of said alley, Obermauer Barber Laing Company's Du Nord Park Subdivision, of part of the North West end of Claims 17, being the Rear Concession of Private Claims 261 and 584, Grotiot Township, Wayne County, Michigan, as recorded in Liber 50, Page 98 of Plats, Wayne County Records;

Be and the same are hereby licensed to the use of the abutting property owners for five years from the date of this resolution subject to 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, to wit:

First, said owners hereby grant to and for the use of the public easements or right-of-ways over said licensed land 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 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 licensed land 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 licensed land, nor any change of 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 licensed land shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners, upon whose property the poles 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 of 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 subject to the license and converted in easements 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

By: **ABIGAIL ELIAS**

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Butler, Collins, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

MARCH 21, 1990
J.C.C. PGS. 624-25



CHANDLER PARK

Easement
TEMP. CLOSED (PER LAW DEPT.)
FOR 5 YEARS FROM 3-21-90

KENSINGTON

YORKSHIRE

40	240	238	237	332	40	4014
114						
4010	236	333			4010	114
36	234	335			36	
39	232	337			39	
	230	339				
	228	341				
36	226	343			36	
40					40	

SOUTHAMPTON