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City Engineering Department
June 4, 1991

Honorable City Council:

Re: Petition No. 766 — Hartford Memorial Baptist Church. Alley to Easement remaining north-south public alley in the block bounded by James Couzens, Ardmore, and W. 7 Mile.

Petition No. 766 of "Hartford Memorial Baptist Church" requests the conversion of the remaining north-south public alley, 20 feet wide, in the block bounded by James Couzens Drive, Ardmore Avenue, and West Seven Mile Road into an easement for public utilities.

City Council has converted the east-west public alley, 20 feet wide, within the referenced block into an easement for public utilities (March 20, 1991 — J.C.C. pgs. 550-51; a Law Department resolution, inadvertently submitted without utility clearances). Generally, commercial public alley closings are referred to the City Engineering Department for investigation (utility clearances) and report to Council. — Detroit Code Sec. 50-7-1 thru 4.

In a letter from the Community and Economic Development Department (dated March 12, 1991) the petition was referred to the City Engineering Department for investigation and report. The City Engineering Department has investigated the interests of utilities and obtained clearances from city departments (required by Detroit Code Sec. 50-7-1 to 4) in the east-west and north-south public alleys, (both) 20 feet wide, within the referenced block. This is our report:

The petitioner has three alley returns (into Ardmore and James Couzens) adjoining their property. The petitioner plans to use the southerly portion of the paved alley return entrance (into James Couzens) and requests such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

The petitioner has deposited the following city department reimbursement cost(s):

Public Lighting Department (PLD):

- (1) \$1,000.00, Receipt No. B-34666
Deposit to route pole and wire from a portion of the east-west public alley;
- (2) \$5,000.00, Receipt No. B-35000
Deposit for PLD estimated cost to relocate a steel pole and foundation on W. 7 Mile for the proposed Taco Bell driveway;

All other involved city departments and privately-owned utility companies have reported no objections to the conversion of public rights-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 Butler:

Resolved, All of the remaining north-south public alley, 20 feet wide, in the block bounded by James Couzens Drive, Ardmore Avenue, and West Seven Mile Road lying southerly of and abutting the south line of the east-west public alley, 20 feet wide (having been previously vacated and converted into an easement for public utilities on March 20, 1991 — J.C.C. pgs. 550-51; a Law Department resolution); also lying westerly of and abutting the west line of Lot 626; also lying easterly of and abutting the east line of the south 9.66 feet of Lot 624, the north 8.42 feet of Lot 616, and Lots 617 to 623 as platted in "Ramm and Company's Northwestern Highway Subdivision No. 4 of the East Half of the West Half of the North Three Quarter of Section 7, Town 1 South, Range 11 East, Greenfield Township, City of Detroit, Wayne County, Michigan as recorded in Liber 49, Page 33, Plats, Wayne County Records;

Be and the same is hereby vacated as public alley and is hereby converted into a public easement 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 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, retaining or partition walls, (except the appurtenances shown on the approved site plan for the proposed Taco Bell Restaurant, M-80-G, adjusted at the driveway approach into James Couzens for the reversionary interest rights of the owner of Lot 636 of "Ramm and Co's Northwestern Highway Subdivision No. 4", City of Detroit, Wayne County, Michigan as recorded in Liber 49, Page 33, Plats, Wayne County Records) 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 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 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 if it becomes necessary to remove the paved alley returns at the entrances (into Ardmore and James Couzens), such removal and construction of new curb and sidewalk shall be done under City permits and inspection according to City Engineering Department specifications with all costs borne by the petitioner, their heirs or assigns; and

Provided, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

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

Nays — None.

JUNE 12, 1991
J.C.C. PGS. 1279-81

SEE ALSO

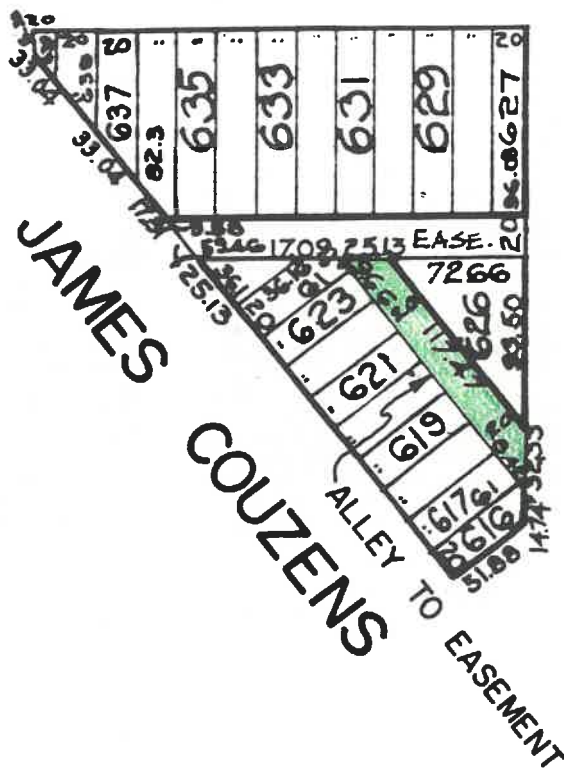
PET. NO. 766

MARCH 20, 1991

J.C.C. PGS. 547-54



W. SEVEN MILE



ARDMORE

PET. NO. 766
CARTO NO. 86-B