

## City Engineering Department

November 18, 1992

Honorable City Council:

Re: Petition No. 2327. Redford-Kentfield Congregation(s) of Jehovah's Witnesses, et al. Alley to Vacation and Easement remaining east-west public alley south of Fenkell between Kentfield and Heyden.

Petition No. 2327 of the "Redford-Kentfield Congregation(s) of Jehovah's Witnesses, et al" requests the conversion of the remaining east-west public alley, 20 and 40 feet wide, south of Fenkell Avenue between Kentfield and Heyden Avenues into an easement for public utilities; also the vacation of a 3.00 feet by 64.00 feet portion of said public alley to maintain an existing canopy structure.

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

The City is owner in fee of the easterly half of the remaining east-west public alley in the block, which was deeded to the City on July 6, 1948 (J.C.C. p. 1785). Therefore, the Finance Director must issue a quit-claim deed to transfer the easterly half of the vacated and converted public right-of-way.

The petitioner plans to use the paved alley return entrance (into Kentfield) and requests such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately-owned utility companies have reported no objections to the vacation and 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 Ravitz:

Resolved, All that part of the north 3.00 feet of the west 64.00 feet of the remaining east-west public alley, 20 and 40 feet wide, south of Fenkell Avenue between Kentfield and Heyden Avenues lying southerly of and abutting the south line of Lots 16 thru 18 of "B. E. Taylor's Coronado Subdivision lying south of Grand River Avenue, being a part of the Northeast Quarter of Section 22, Town 1 South, Range 10 East, Redford Township," City of Detroit, Wayne County, Michigan as recorded in Liber 54, Page 84, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) to become part and parcel of the abutting property; and be it further

Resolved, All that part of the remaining east-west public alley, 20 and 40 feet wide, south of Fenkell Avenue between Kentfield and Heyden Avenues (excepting therefrom a 3.00 feet by 64.00 feet portion thereof, mentioned above in this resolution) lying southerly of and abutting the south line of Lots 16 thru 21; also lying northerly of and abutting the northerly line of the north-south public alley (18 feet wide, in the block bounded by Kentfield and Heyden Avenues, W. Outer Drive, and Fenkell Avenue; having been previously vacated by City Council on July 10, 1956 — J.C.C. p. 1455); also

lying northerly of and abutting the north line of Lot 15; also being a triangular portion of that part of the "Northeast Quarter of the Northeast Quarter of Section 22, Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan," and the north 20.00 feet of Lot 22 (which was deeded to the City of Detroit for public alley purposes as established in a resolution of City Council on July 6, 1948 —

J.C.C. p. 1785) of "B. E. Taylor's Coronado Subdivision lying south of Grand River Avenue, being a part of the Northeast Quarter of Section 22, Town 1 South, Range 10 East, Redford Township," City of Detroit, Wayne County, Michigan as recorded in Liber 54, Page 84, Plats, Wayne County Records;

Be and the same is hereby vacated as a 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, concrete slabs or driveways, retaining or partition walls (except necessary line fence, and existing parking lot surface paving) shall be built or placed upon said easement, nor 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 return at the entrance (into Kentfield Avenue), such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, their heirs 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; and be it further

Resolved, The Finance Director is hereby authorized and directed to issue a quit-claim deed to transfer the following vacated public alley right-of-way to "Norwest Heating and Air Conditioning, Inc." (20101 Fenkell Avenue, Detroit, Michigan 48223) for the fair market value and/or other valuable considerations:

"Land in the City of Detroit, Wayne County, Michigan being the north 20.00 feet of Lot 22 as platted in 'B. E. Taylor's Coronado Subdivision lying south of Grand River Avenue, being a part of the Northeast Quarter of Section 22, Town 1 South, Range 10 East, Redford Township,' City of Detroit, Wayne County, Michigan as recorded in Liber 54, Page 84, Plats, Wayne County Records; also being a triangular portion of that part of the 'Northeast Quarter of the Northeast Quarter of Section 22, Town 1, South, Range 10 East,' more particularly described as follows: Beginning at the northeast corner of the west 16.35 feet of Lot 22 of 'B. E. Taylor's Coronado Subdivision lying south of Grand River Avenue, being a part of the Northeast Quarter of Section 22, Town 1 South, Range 10 East, Redford Township,' as recorded in Liber 54, Page 84, Plats, Wayne County Records; thence westerly along the north line of said Lot 22, 16.35 feet, to the northwest corner; thence along the west line extended northerly of said Lot 22, 20.00 feet, to the southeast corner of Lot 21 of said 'B. E. Taylor's Coronado Subdivision' as recorded in Liber 54, Page 84, Plats, Wayne County Records; thence southeasterly, 25.83 feet, to the point of beginning, containing 2,283.50 square feet or 0.0524 acres more or less; subject to an easement for public utilities."

Adopted as follows:

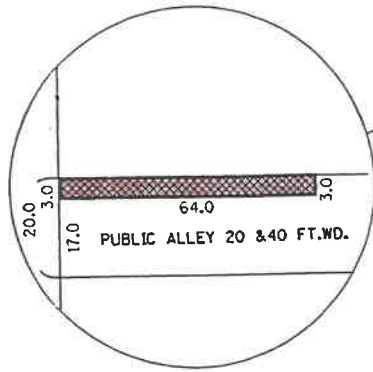
Yeas — Council Members Butler, Cleveland, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

Nov. 25, 1992  
J.C.C. Pgs. 2499-  
2501

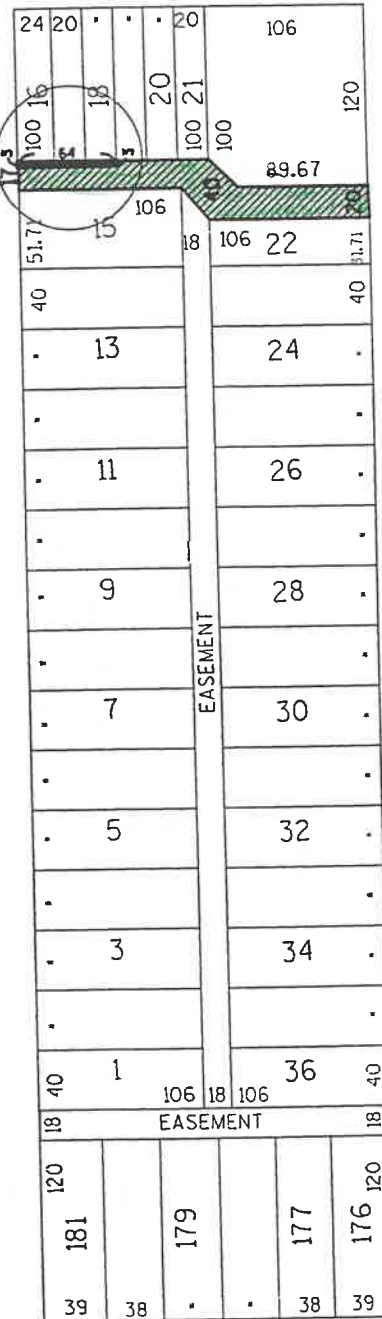
PETITION NO. 2327  
REDFORD-KENTFIELD CONGR.  
OF JEHOVAH'S WITNESSES  
C/O ROBERT JONES  
PHONE(313) 534-1800

FENKELL AVE. 66 FT. WD.



DETAIL  
NOT TO SCALE

KENTFIELD AVE. 50 FT. WD.



HEYDEN AVE. 50 FT. WD.

W. OUTER DRIVE 150 FT. WD.



REQUESTED AREA FOR OUT-RIGHT VACATION  
OF A 3'X64' PORTION OF SAID  
PUBLIC ALLEY TO PERMIT AND MAINTAIN  
THE EXISTING CANOPY STRUCTURE



REQUESTED AREA FOR CONVERSION TO  
EASEMENT THE REMAINING PORTION THE  
EXISTING PUBLIC ALLEY

CARTO NO. 1128

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
JUNE 9, 92					

REDFORD-KENTFIELD CONGREGATION OF JEHOVAH'S WITNESSES

PERMANENT ALLEY CLOSING REQUEST FOR  
THE REMAINING EAST-WEST PUBLIC ALLEY  
SOUTH OF FENKELL BETWEEN KENTFIELD AND  
HEYDEN AVENUES

CITY OF DETROIT  
CITY ENGINEERING DEPARTMENT

SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X2327