

City Engineering Department

November 17, 1993

Honorable City Council:

Re: Petition No. 2173A, Warren-Conner Development Coalition. Alley to Easement portion of the east-west public alley in the block bounded by Philip, Manistique, Charlevoix and Mack.

Petition No. 2173A of Warren-Conner Development Coalition requests the conversion of the east-west public alley, 18 feet wide, in the block bounded by Philip, Manistique, Charlevoix and Mack Avenues into an easement for public utilities.

The requested conversion 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:

The petitioner plans to use the paved alley to consolidate parking 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 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 that part of the east-west public alley, 18 feet wide, in the block

bounded by Philip, Manistique, Charlevoix and Mack Avenues lying southerly of and adjoining Lots 121 thru 124, both inclusive, and the easterly 11.81 feet of Lot 120 as measured perpendicular to the easterly line of said Lot 120, also northerly of and adjoining Lot 125 as platted in "C. B. Sherrard Sub'n. of that part of P.C. 120 lying between the N'ly line of Kercheval Ave. and the Center Line of Mack Ave., City of Detroit and Twp. of Grosse Pointe", as recorded in Liber 32, Page 58 of Plats, Wayne County Records, containing 1,856 square feet or 0.0426 acres more or less;

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) 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 further

Provided, That if it becomes necessary to remove the paved alley return at the entrance (into Manistique 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.

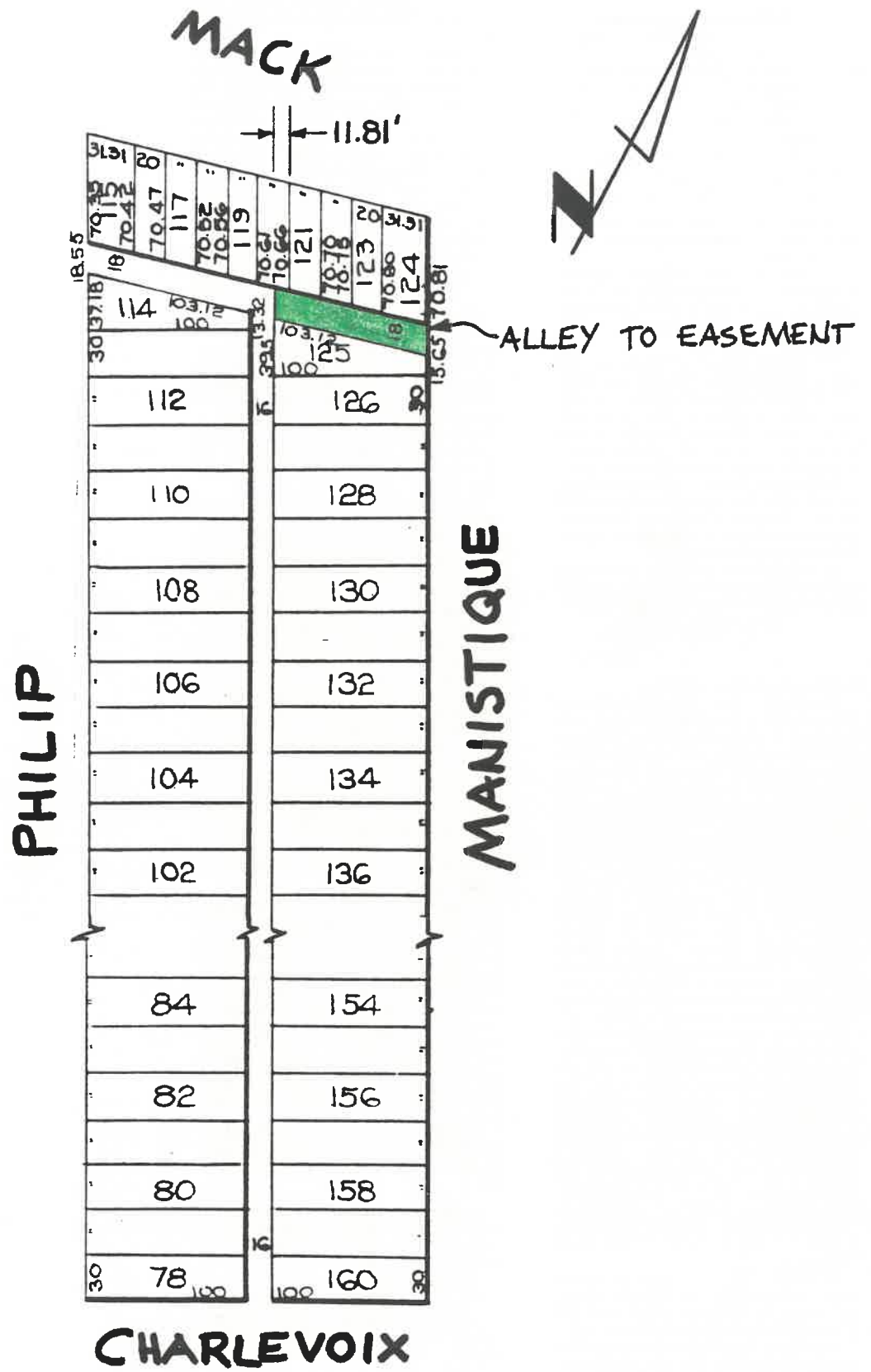
Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill,

Hood, Kelley, Ravitz, and President Mahafley — 9.

Nays — None.

NOV. 24, 1993
J.C.C. Pgs. 2405-06



CARTO No. 63-A