

City Engineering Department

October 18, 1993

Honorable City Council:

Re: Petition No. 2600. Linwood —
Dexter Congregation(s) of
Jehovah's Witnesses. Alley to

Easement, easterly part of the east-west public alley in the block bounded by Dexter, Wildemere, West Chicago, and Rochester; also dedication of new alley outlet into Rochester.

Petition No. 2600 of "Linwood — Dexter Congregation(s) of Jehovah's Witnesses" requests the conversion of the easterly part of the east-west public alley, 18 feet wide, in the block bounded by Dexter Boulevard, Wildemere Avenue, West Chicago Boulevard, and Rochester Avenue into an easement for public utilities.

The petitioner has purchased vacant city-owned land to construct a new double-auditorium meeting facility. The sale of the city-owned land was approved by your Honorable Body on July 29, 1992 (J.C.C. pages 1714-15). It is necessary to vacate the referenced portion of public alley to consolidate the development parcel (address: 3300 West Chicago Boulevard).

The requested conversion was approved by the Community and Economic Development Department with the recommendation that land be dedicated for a new public alley outlet into Rochester. The petition was referred to the City Engineering Department for investigation (utility clearances) and report. This is our report:

The petitioner has submitted a warranty deed to set-aside land for the new public alley outlet into Rochester. The deed has been approved by the City Engineering Department as to legal description, and the Law Department as to form and execution. However, the new replacement (north-south) public alley must be made suitable for public use at no expense to the city.

The petitioner has deposited the following city department reimbursement cost:

Department of Public Works — Street Maintenance Division:
\$7,000.00. Cash Receipt Voucher (CRV) No. 202901. Deposit to construct a concrete public alley, catch basin(s), backfill material, concrete public alley approach, top soil, and seeding for the new public alley outlet into Rochester (block bounded by Dexter, Wildemere, West Chicago, and Rochester);

City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

An appropriate resolution, granting the petition, is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Hill:

Resolved, All that part of the east-west public alley, 18 feet wide, in the block bounded by Dexter Boulevard, Wildemere Avenue, West Chicago Boulevard, and Rochester Avenue lying southerly of and abutting the south line of the easterly 15.00 feet of Lot 116, and Lots 117 thru 127; also lying northerly of and abutting the north line of the easterly 15.00 feet of Lot 79, and Lots 68 thru 78 of "Dexter Boulevard Heights Subdivision of part of Quarter Section 33, Ten Thousand Acre Tract, (Town 1 South, Range 11 East) Greenfield Township," City of Detroit, Wayne County, Michigan as recorded in Liber 30, Page 81, 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 of 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 any change of surface grade made, without 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 (into Wildemere Avenue) at the entrance, 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, That the Finance Director is hereby authorized and directed to accept (for and on behalf of the City of Detroit, a Michigan municipal corporation) the warranty deed of "Linwood — Dexter Congregation of Jehovah's Witnesses, Detroit MI, Inc.," a Michigan ecclesiastical corporation, whose address is 3041 Rochester, Detroit, Michigan 48206; for the full consideration and cash sum of One and 00/100 (\$1.00) dollar; for the following property (the same being hereby dedicated for public alley purposes):

"Land in the City of Detroit, Wayne County, Michigan being all of Lot 114 as platted in 'Dexter Boulevard Heights Subdivision of part of Quarter Section 33, Ten Thousand Acre Tract, (Town 1 South, Range 11 East) Greenfield Township,' as recorded in Liber 30, Page 81, Plats, Wayne County Records"; and further

Provided, That the Finance Director shall record said deed in the Office of the Wayne County Register of Deeds; and be it further

Resolved, That the Department of Public Works — Street Maintenance

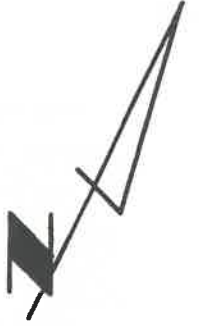
Division is hereby authorized and directed to construct (within said lot dedicated for public alley purposes) a concrete public alley (including catch basins [if necessary], backfill material, top soil and seeding) and a concrete public alley approach at the entrance (into Rochester Avenue) of said public alley according to City specifications.

Adopted as follows:

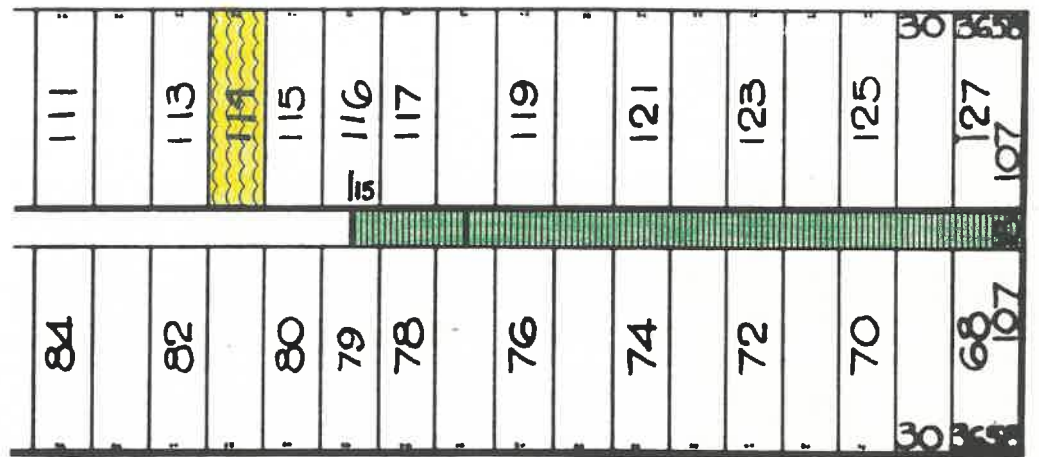
Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

Oct. 28, 1993
J.C.C. Pgs. 2183 - 85



ROCHESTER



WILDEMERE

WEST CHICAGO



ALLEY TO EASEMENT



DEDICATED FOR ALLEY PURPOSES