

City Engineering Department

November 17, 1993

Honorable City Council:

Re: Petition No. 2772, Dorothy Moore.
Conversion to Easement of the
north-south public alley in the block
bounded by Queen, Hayes,
Houston-Whittier and Alma.

Petition No. 2772 of Dorothy Moore
requests the conversion of the north-
south public alley, 20 feet wide, in the
block bounded by Queen, Hayes,
Houston-Whittier and Alma Avenues into
an easement for public utilities.

The requested conversion was
approved by the Community and Eco-
nomic Development Department. The
petition was referred to the City Engi-
neering Department for investigation and
report. This is our report:

The petitioner plans to use the paved
alley return entrance (into Alma) and
requests such remain in its present sta-
tus. 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. Pro-
visions protecting utility installations are
part of the resolution.

The adoption of the resolution is rec-
ommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Hood:

Resolved, All that part of the public
alley, 20 feet wide, bounded by Queen,
Hayes, Houston-Whittier and Alma Ave-
nues lying westerly of and adjoining Lots
314 thru 318, both inclusive and easterly
of and adjoining Lot 313 as platted in
"Diegel Homestead Park Subdivision of
E. 1/2 of E. 1/2 of S.E. 1/4 of Section 12,
T.1S., R.12E., recorded in Liber 60, Page
31 of 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 sub-

ject to the following covenants and
agreements, uses, reservations and reg-
ulations, which shall be observed by the
owners of the lots abutting on said alley
and by their heirs, executors, administra-
tors 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 pur-
poses of maintaining, installing, repair-
ing, removing, or replacing public utilities
such as water mains, sewers, gas lines
or mains, telephone, electric light con-
duits or poles or things usually placed or
installed in a public alley in the City of
Detroit, with the right to ingress and e-
gress at any time to and over said ease-
ment 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 com-
panies, or those specifically authorized
by them, for the purpose of inspecting,
installing, maintaining, repairing, remov-
ing, 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 nec-
essary 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 com-
panies, other than that specifically pro-
hibited 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, retain or partition
walls, (except necessary line fence) shall
be built or placed upon said easement,
nor change of surface grade made, with-
out 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 con-

struction 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 Alma 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, Everett, Hood, Kelley, Ravitz,
and President Pro Tem Hill — 7.
Nays — None.

DEC. 1, 1993
J.C.C. Pgs. 2499-2500

