

City Engineering Department

September 7, 1993

Honorable City Council:

Re: Petition No. 2882, Focus: Hope — Center for Advance Technologies. Alleys to Easement parts of two east-west public alleys easterly and westerly of LaSalle between Kendall and Oakman.

Petition No. 2882 of "Focus: Hope — Center for Advance Technologies" requests the conversion of parts of two east-west public alleys, (both) 18 feet wide, lying easterly and westerly of LaSalle Avenue (60 feet wide) between Kendall Avenue and Oakman Boulevard 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 Water and Sewerage Department will require unimpeded access to service their existing sewers. Any fence and gate installation must provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles.

The Department of Public Works — Sanitation Division will require access through the proposed "Focus: Hope parking lots" for DPW refuse collection vehicles. (NOTE: Trash pick-up for the two blocks bounded by Linwood, 14th, Kendall, and Oakman Boulevard is made using the east-west public alleys. Therefore, DPW must maintain all existing east-west public alley access until the curbside collection system is implemented for the two blocks.) Generally, DPW has reviewed and approved plans by "Johnson, Johnson & Roy, Inc." which allows access to refuse collection vehicles.

"Focus: Hope" has submitted plans to DPW to modify the two paved alley return entrances into LaSalle Avenue. However, "Focus: Hope" or their assigns must apply to the City Engineering Department for permits to construct or place "curbs and pavers" within LaSalle Avenue, 60 feet wide. Public rights-of-way construction must conform to stand-

ard city specifications, permits, and inspection. Further, "Focus: Hope" 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 Ravitz:

Whereas, The Department of Public Works — Sanitation Division will require access through the proposed "Focus: Hope parking lots" for DPW refuse collection vehicles. (NOTE: Trash pick-up for the two blocks bounded by Linwood, 14th, Kendall, and Oakman Boulevard is made using the east-west public alleys. Therefore, DPW must maintain all existing east-west public alley access until the curbside collection system is implemented for the two blocks.) Generally, DPW has reviewed and approved plans by "Johnson, Johnson & Roy, Inc." which allows access to refuse collection vehicles; and

Whereas, "Focus: Hope" has submitted plans to DPW to modify the two paved alley return entrances into LaSalle Avenue. However, "Focus: Hope" or their assigns must apply to the City Engineering Department for permits to install or place "curbs and pavers" within LaSalle Avenue, 60 feet wide. Public rights-of-way construction must conform to standard city specifications, permits, and inspection. Further, "Focus: Hope" shall pay all incidental removal costs whenever discontinuance of use makes removal necessary; therefore be it

Resolved, All that part of the east-west public alley, 18 feet wide, in the block bounded by Linwood, LaSalle, and Kendall Avenues, and Oakman Boulevard lying southerly of and abutting the south line of the easterly 7.65 feet of Lot 786, and Lots 781 thru 785; also lying northerly of and abutting the north line of Lot 885 of "Robert Oakman's Twelfth Street Subdivision of part of Quarter Section 7, Ten Thousand Acre Tract, City of Detroit and Greenfield Township (Town 1 South, Range 11 East)", City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 90, Plats, Wayne County Records; also

All that part of the east-west public alley, 18 feet wide, in the block bounded by LaSalle Avenue, Fourteenth Street, Kendall Avenue, and Oakman Boulevard lying southerly of and abutting the south line of the westerly 13.50 feet of Lot 775, and Lots 780 thru 776; also lying northerly of and abutting the north line of Lot 596 of "Robert Oakman's Twelfth Street Subdivision of part of Quarter Section 7, Ten Thousand Acre Tract, City of Detroit and Greenfield Township (Town 1 South, Range 11 East)", City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 90, Plats, Wayne County Records;

Be and the same are hereby vacated as public alleys and are hereby converted into a public easement of the full width of the alleys, 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 alleys 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 alleys 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 alleys 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, with-

out prior approval of the City Engineering Department.

Fourth, that if the owners of any lots abutting on said vacated alleys 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, The owner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and further

Provided, The owner shall maintain all existing east-west public alley access as required by the Department of Public Works (according to DPW approved plans by "Johnson, Johnson & Roy, Inc.") for DPW refuse collection vehicles until the curbside collection system is implemented for the two blocks bounded by Linwood, 14th, Kendall, and Oakman Boulevard; and further

Provided, That before any "curbs and/or pavers" are placed or installed within LaSalle Avenue, 60 feet wide, the owners or their assigns shall apply to the City Engineering Department for permits. Public rights-of-way construction must conform to standard city specifications, permits, and inspection; and further

Provided, That if it becomes necessary to remove the paved alley return at the entrances (into LaSalle 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

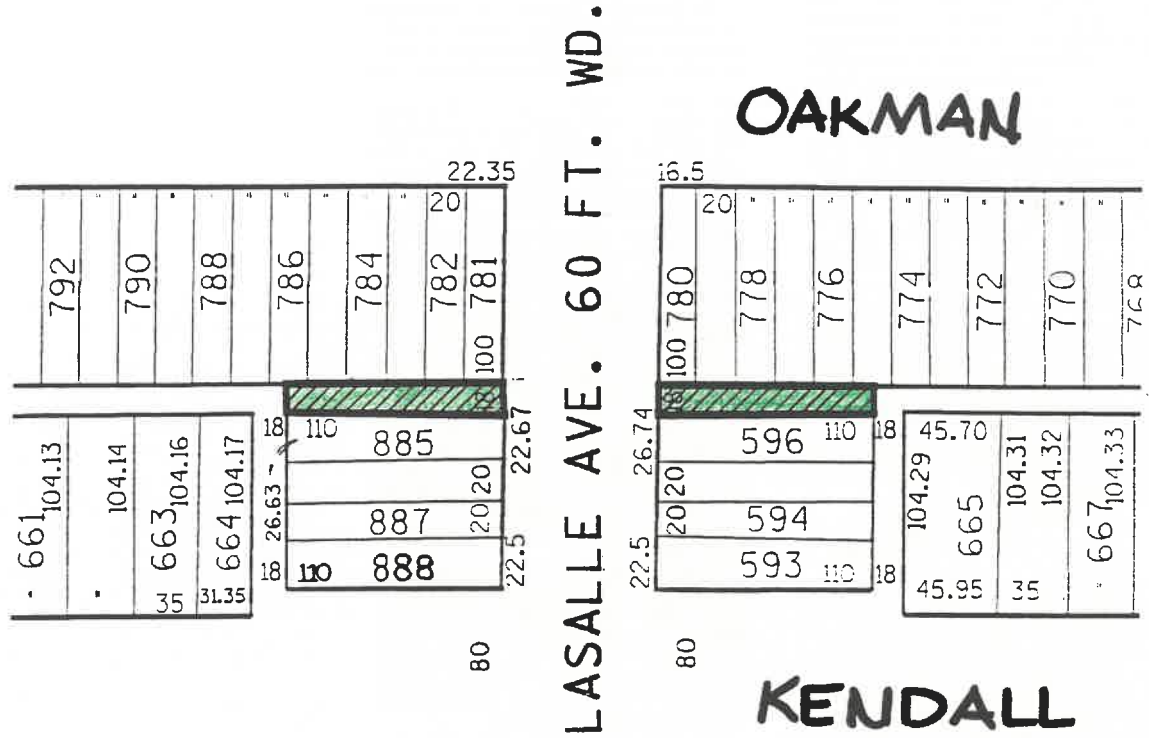
Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Everett, Hill, Hood, Ravitz, and President Mahaffey — 7.

Nays — None.

SEPT 22, 1993
J.C.F. Pgs. 1849-51



REQUESTED AREA FOR CONVERSION TO EASEMENT