

**Community & Economic
Development Department**

November 30, 1993

Honorable City Council:

Re: Petition #3084 Ammex, Inc.,
requesting permission to close public
alley between Twenty-Third and
Twenty-Fourth streets bounded by
Porter Street and Lambie Place into
an easement for public utilities.

The above mentioned Petitioner has
requested permission to convert a public
alley into an easement for public utilities.

It is the opinion of the Community and
Economic Development Department that
the Petitioner's request be granted.

Respectfully submitted,

HENRY B. HAGOOD

Director

By Council Member Everett:

Resolved, Land in the City of Detroit,
County of Wayne, Michigan being all that
part of the North South Public Alley, 20
feet wide bounded by Twenty Fourth
Street on the West, by Twenty Third
Street on the East, by Porter Street on
the South, and by Lambie Place on the
North, and being more particularly
described as follows:

All that part of the public alley, 20 feet
wide dedicated to the use of the public,
and lying westerly of and adjoining lots
69 thru 74, also lying easterly of and
adjoining lots 1 thru 6 of the "Subdivision
of lots 51, 50, 47, and the North Half of
46, Porter Farm," as recorded in Liber 1,
page 25 of Plats, Wayne County
Records; also that part of public alley, 20
feet deeded to the City of Detroit and
recorded in Liber 371, Page 88 of Deeds,
on December 19, 1890, Wayne County
Records, Circuit Court File No., 508
1882, J.C.C., July 24, 1882, being part of
the South one-half of lot 46 of the "Plat of
part of the late Governor Porter's Farm
as divided into lots by J. Mullett, Sur-
veyor, July 6, 1835" as recorded in Liber
13, Page 78 of Deeds, Wayne County
Records; also that part of public alley, 20
feet wide, dedicated to the use of the
public, and lying westerly of and
adjoining lots 13 thru 20, also lying
easterly of the adjoining lots 21 thru 28 of
the "Subdivision of Lot 43 G. B. Porter
Farm" as recorded in Liber 1, Page 21 of
Plats, Wayne County Records.

Resolved, That the City Engineering
Department be and is hereby authorized
and directed to issue a permit to Ammex,
Inc., owner of the property adjoining the
alley herein concerned, to extend the
closing of 20 feet wide alley 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:

Provided, That Petitioner shall be sub-
ject to any tax which may be levied
against it pursuant to law with regards to
such use of public property; and further

Provided, Petitioner first furnished an
agreement, in a form approved by the
Law Department, saving and protecting
the City of Detroit harmless from any and
all claims, damages or expenses that
may arise by reason of the issuance of a
said permit, and providing for the faithful
performance by the grantee of the terms
hereof, and files same with the Finance
Department; and further

Provided, That said permit shall be
issued only after a certified copy of this
resolution has been duly recorded in the
office of Wayne County Register of
Deeds, by and at the permittees expense,
and further

Provided, That no building or other
structure is constructed in said ease-
ment, that Petitioner shall observe the
rules and regulations of the City Engi-
neering Department subject to the fol-
lowing provision: that if owners of any
lots abutting on said easement 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; and further

Provided, That if any utility located in
said easement shall break or be dam-
aged as a result of any action on the part
of said owners or assign (by way of illus-
tration but not limitation) such as storage
of excessive weights of materials or con-
struction not in accordance with City
Code Section 50-6-3 mentioned above,
then in such event said owners or
assignee shall be liable for all costs inci-
dental to the repair of such broken or
damaged utility; and further

Provided, The City and all utility com-
panies retain their rights to establish,
maintain and service any utilities in said
area of temporarily closed alley; and fur-
ther

Provided, That grantee acquires no
implied nor other privileges hereunder
not expressly stated herein.

Adopted as follows:

Yeas — Council Members Butler,
Cleveland, Everett, Hood, Kelley, and
President Pro Tem Hill — 6.

Nays — Council Member Ravitz — 1.

DEC. 1, 1993
J.C.C. Pgs. 2502-03

24th

23RD

ALLEY TO EASEMENT
(PER C.E.D.D.)

PORTER