

City Engineering Department

October 18, 1993

Honorable City Council:

Re: Petition No. 3663. Conner Park
Congregation of Jehovah's Wit-
nesses. Alley to Easement, easterly
part of the east-west public alley in
the block bounded by Beniteau,
Conner, the Ford Fwy., and Harper.

Petition No. 3663 of "Conner Park
Congregation 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 Beniteau
and Conner Avenues, the Edsel Ford
Freeway, and Harper Avenue.

A temporary public alley closing was
previously granted by your Honorable
Body on March 13, 1991 (J.C.C. pages
530-31; Petition No. 873). The permitted
use has served the interim needs of the
congregation. However, the petitioner
has completed plans to redevelop the
site by constructing a new meeting facil-
ity. It is necessary to vacate the refer-
enced portion of public alley to
consolidate the development parcel.

The requested conversion was
approved by the Community and Eco-
nomic Development Department and the
Department of Public Works — Traffic
Engineering. The petition was referred to

the City Engineering Department for
investigation (utility clearances) and
report. This is our report:

City departments and privately-owned
utility companies have reported no
objection to the conversion of public
right-of-way into utility easement. Provi-
sions 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 Everett:

Resolved, All that part of the east-west
public alley, 18 feet wide, in the block
bounded by Beniteau and Conner Ave-
nues, the Edsel Ford Freeway, and Har-
per Avenue lying southerly of and
abutting the south line of the east 1.00
foot of Lot 35; also lying southerly of and
abutting the south line of Lots 29 thru 34;
also lying northerly of the abutting the
north line of Lot 28 of "E. W. Guenther's
Subdivision of Lot 1 and part of Lot 2 of
(the) Subdivision of St. Jean Farm, Pri-
vate Claim 26, for the Estate of Henry
Plass", City of Detroit, Wayne County,
Michigan as recorded in Liber 39, Page
60, 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
egress 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, 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 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

Provided, That if it becomes necessary
to remove the paved alley return (into the
Edsel Ford Freeway Service Drive) at the
entrance, such removal and construction
of new curb and sidewalk shall be done
under permits, inspection, and specifica-
tions of the Michigan Department of
Transportation (if necessary) 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
Mahaffey — 9.

Nays — None.

Oct. 28, 1993
J.C.C. Pgs. 2182-83

