

Public Works Department
City Engineering Division

November 2, 1994

Honorable City Council:

Re: Petition No. 1681. Cruz Associates,
et al MichCon — Guardian Building
Alley to Easement in the block

bounded by Griswold, Woodward,
Larned and Congress.

Petition No. 1681 of "Cruz Associates,
et al" requests the conversion of the
north-south public alley, 20 feet wide, in
the block bounded by Griswold Street,
Woodward Avenue, Larned and Con-
gress Streets into a private easement for
public utilities.

The requested conversion was
approved by the Planning and Develop-
ment Department and the Traffic Engi-
neering Division — DPW. The petition
was referred to the City Engineering Divi-
sion — DPW for investigation and report.
This is our report:

If it becomes necessary to remove the
alley return entrances (into Larned and
Congress), Michigan Consolidated Gas
Company shall pay all incidental removal
costs.

The city is owner in fee of the public
alley within the "Governor and Judges"
Plan. Therefore, the Finance Director
must execute a quit-claim deed to trans-
fer the vacated and converted public
right-of-way.

City departments and privately-owned
utility companies have reported no
objections to the conversion of public
rights-of-way into a private easement for
public utilities. Provisions protecting utility
installations are part of the resolution.

The adoption of the attached resolu-
tion is recommended.

Respectfully submitted,

SUNDAY JAIYESIMI

Acting City Engineer

By Council Member Ravitz:

Resolved, All of the north-south public
alley, 20 feet wide, in the block bounded
by Griswold Street, Woodward Avenue,
Larned and Congress Streets lying west-
erly of and abutting the west line of Lots
58 thru 62, also lying easterly of and
abutting the east line of Lots 99 thru 103
of the "Plan of Section Numbered Two of
the City of Detroit, in the Territory of
Michigan, confirmed by the Governor of
Judges", as recorded in Liber 34, Page
549, Deeds, Wayne County Records;

Be and the same is hereby vacated as
a public alley and is hereby converted
into a private easement for public utilities
of the full width of the alley, which ease-
ment shall be subject to the following
covenants and agreements, uses, reser-
vations and regulations, which shall be
observed by the owners of the lots abut-
ting 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 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 change of surface grade made, with-
out prior approval of the City Engineering
Division — DPW,

Fourth, that if the owners of any lots
abutting on said vacated alley shall
request the removal and/or location 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(s) at the
entrances (into Larned and Congress),
such removal and construction of new
curb and sidewalk shall be done under
city permit and inspection according to
City Engineering Division — DPW specifi-
cations with all costs borne by the abut-

ting owner(s), 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, The Finance Director is
hereby authorized and directed to issue
a quit-claim deed to transfer the following
vacated public alley right-of-way to the
"Cruz Associates, a Connecticut Limited
Partnership, 500 Griswold Street,
Detroit, MI 48226" for the fair market
value and/or other valuable considera-
tions:

"Land in the City of Detroit, Wayne
County, Michigan being all of the north-
south public alley, 20 feet wide, in the
block bounded by Griswold Street,
Woodward Avenue, Larned and Con-
gress Streets lying westerly of and abut-
ting the west line of Lots 58 thru 62, also
lying easterly of and abutting the east
line of Lots 99 thru 103 of the "Plan of
Section Numbered Two of the City of
Detroit, in the Territory of Michigan, con-
firmed by the Governor and Judges", as
recorded in Liber 34, Page 549, Deeds,
Wayne County Records; containing
5,400 square feet or 0.1240 acre, more
or less; subject to a private easement for
public utilities"; and be it further

Resolved, the Director of the Planning
and Development Department is hereby
authorized and requested to adjust Zon-
ing Map No. 1 to reflect the PCA zoning
district classification on that land previ-
ously indicated as unzoned public alley,
as described above, and shall cause
such revision of Zoning Map No. 1 to be
duly noted in the Detroit Legal News; and
be it further

Resolved, That the City Clerk shall
within 30 days forward a certified copy of
this resolution to the Planning and Devel-
opment Department Director.

Adopted as follows:

Yeas — Council Members Cockrel,
Everett, Hill, Hood, Ravitz, Scott,
Tinsley-Williams, and President
Mahaffey — 8.

Nays — None.

Nov. 18, 1994
J.C.C. Pgs. 2428-29

