

Department of Public Works  
City Engineering Division

September 6, 1994

Honorable City Council:

Re: Petition No. 2964 Cathedral Church of St. Paul, Alley to Easement; and Utility Easement to Vacation in the block bounded by Woodward, John R., Hancock and E. Warren

Petition No. 2964 of "The Chapter of the Cathedral Church of St. Paul" requests the outright vacation of the east-west private easement for public utilities (including, Ameritech/Michigan Bell Telephone Company, Detroit Edison Company, and the Water and Sewerage Department), 20 feet wide (said public alley having been previously vacated by City Council on April 20, 1971 — J.C.C. pages 899-900); also the conversion of the north-south public alley, 20 feet wide, in the block bounded by Woodward Avenue, John R. Street, Hancock and E. Warren Avenues into a private easement for public utilities. The petitioner has developed plans to construct a two-story gymnasium.

The request was approved by the (former) Community and Economic Development Department, Sanitation Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation and report. This is our report:

The petitioner has reached satisfactory agreements with Ameritech/Michigan Bell Telephone Company (A/MBT Co.), Detroit Edison Company (DE Co.), and the Water and Sewerage Department (DSWD) regarding their facilities in the east-west private easement for public utilities.

If a proposed "third phase" development plan is initiated by "The Cathedral Church of St. Paul", then it will become necessary to remove and reroute facilities of DE Co. and the A/MBT Co. within the (to be converted) north-south public alley, 20 feet wide, in said block. Also, in conjunction with proposed "Phase Three" construction the DWSW will require "The Cathedral" to build a manhole over that part of the remaining public sewer in E. Hancock; subject to DWSW (and City Engineering Division — DPW) review and approval of development plans.

The petitioner plans to use the paved alley return entrances (into E. Hancock and E. Warren Avenues) and requests such remain in their present status. 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 private easement for public utilities. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
WILLIAM L. TALLEY  
Head Engineer

By Council Member Hill:

Whereas, The Chapter of the Cathedral Church of St. Paul ("The Cathedral") Petition No. 296, 4800 Woodward Avenue, Detroit, MI 48201 has developed plans to construct a two-story gymnasium; and

Whereas, The request to vacate a private easement for public utilities and a public alley in the block bounded by Woodward, John R., E. Hancock and E. Warren was approved by the (former) Community and Economic Development Department, Sanitation Division — DPW, and the Traffic Engineering Division — DPW; and

Whereas, "The Cathedral" has reached satisfactory agreements with Ameritech/Michigan Bell Telephone Company (A/MBT Co.), Detroit Edison Company (DE Co.), and the Water and Sewerage Department (DWSW) regarding their facilities in the east-west private easement for public utilities; and

Whereas, If a proposed "third phase" development plan is initiated by "The Cathedral", then it shall become necessary for "The Cathedral" to pay all expenses to remove and reroute facilities of DE Co. and the A/MBT Co. within the north-south public alley, 20 feet wide, in said block. Also, in conjunction with any proposed "Phase Three" construction the DWSW shall require "The Cathedral" to build a manhole over that part of the remaining public sewer in E. Hancock; subject to DWSW (and City Engineering Division — DPW) review and approval of said development plans; therefore be it

Resolved, All of the east-west private easement for public utilities (including, Ameritech/Michigan Bell Telephone Company, Detroit Edison Company, and the Water and Sewerage Department), 20 feet wide, in the block bounded by Woodward Avenue, John R. Street, Hancock and E. Warren Avenues (said public alley having been previously vacated by City Council on April 20, 1971 — J.C.C. pages 899-900) lying southerly of and abutting the south line of Lots 41 thru 48 of the "Plat of Moore and Palmer's Subdivision of Park Lot 37, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 3, Page 40, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lots 1 thru 8 of the "Plat of the Genesee County Savings Bank, Flint, Subdivision of the North Half of Park Lot 36, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 5, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as a private easement for public utilities to become part and parcel of the abutting property; and be it further

Resolved, All the remaining part of the north-south public alley, 20 feet wide, in the block bounded by Woodward Avenue, John R. Street, Hancock and E. Warren Avenues lying westerly of and abutting the west line of the south 94.17 feet of Lot 48; also lying westerly of and abutting the west line of the northern half of the east-west private easement for public utilities (20 feet wide, in the block bounded by Woodward Avenue, John R. Street, Hancock and E. Warren Avenues; said public alley having been previously vacated by City Council on April 20, 1971 — J.C.C. pages 899-900); also lying easterly of and abutting the east line of the south 17.05 feet of Lot 3, Lot 1, and Lot 2 of the "Plat of Moore and Palmer's Subdivision of Park Lot 37, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 3, Page 40, Plats, Wayne County Records; also lying westerly of an abutting the west line of Lot 1; also lying westerly of and abutting the west line of the southern half of the east-west private easement for public utilities (20 feet wide, in the block bounded by Woodward Avenue, John R. Street, Hancock and E.

Warren Avenues; said public alley having been previously vacated by City Council on April 20, 1971 — J.C.C. pages 899-900); also lying easterly of and abutting the east line of the north 177.00 feet of (the remaining part of) Park Lot 36 (in said block) of the "Plat of the Genesee County Savings Bank, Flint, Subdivision of the North Half of Park Lot 36, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 5, Plats, 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 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:

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 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 alley 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, without prior approval of the City Engineering Division — DPW,

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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 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, That if it becomes necessary to remove the paved alley returns at the entrances (into E. Warren and/or E. Hancock Avenues), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division —

DPW specifications with all costs borne by the abutting 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.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

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# 2nd REVISION

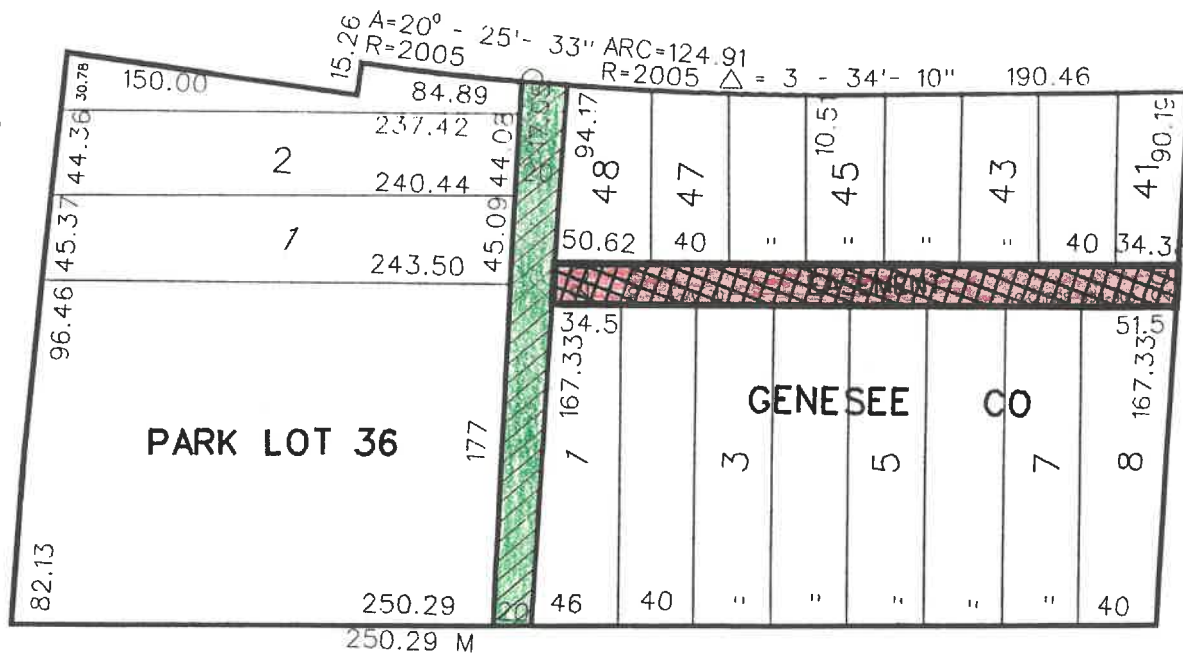
33



E. WARREN AVE.

WOODWARD AVE.

JOHN R. ST.



HANCOCK AVE.



REQUESTED AREA FOR CONVERSION TO EASEMENT



REQUESTED AREA FOR OUTRIGHT VACATION OF UTILITY EASEMENT

CARTO NO.30F

SCALE: 1"=100'

(FOR OFFICE USE ONLY)

DESCRIPTION	DRWN	CHKD	APPD	DATE
CHANGE REQUEST	J.M.K.			9-94
REVISIONS				
DRAWN BY	CHECKED			
V.T.M.				
DATE	APPROVED			
FEB.1,94				

CATHEDRAL CHURCH  
 REQUESTED AREA FOR OUTRIGHT VACATION OF A  
 UTILITY EASEMENT; ALSO REQUESTED AREA FOR  
 CONVERSION TO EASEMENT A PORTION OF PUBLIC  
 RIGHTS-OF-WAY IN THE BLOCK BOUNDED BY  
 WOODWARD, JOHN R., HANCOCK & E.WARREN AVES.

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X-2964.dgn