

**Public Works Department
City Engineering Division**

October 14, 1994

Honorable City Council:

re: Petition No. 3209. Wilson Kassab, Alley to Vacation and Easement east-west public alley, north of W. Seven Mile between Houghton and Cooley.

Petition No. 3209 of "Wilson Kassab" requests the outright vacation of the southerly 9.00 feet, and the conversion of the northerly 11.00 feet of the east-west public alley, 20 feet wide, lying north of W. Seven Mile Road between Houghton and Cooley Avenues into a private easement for public utilities.

The requested conversion was approved by the Planning and Development Department. The petition was referred to the City Engineering Division

— DPW for investigation and report. This is our report:

The city is owner in fee of part of the east-west public alley (20 feet wide; north of W. Seven Mile and west of Cooley), said part of public alley having been deeded to the city on February 14, 1951 (J.C.C. page 298). Therefore, the Finance Director must execute a quitclaim deed to transfer the vacated and converted part of public right-of-way.

The petitioner has reached a satisfactory agreement with the Detroit Edison Company and Ameritech/Michigan Bell Telephone Company to maintain their existing poles and overhead wires within the remaining 11.00 feet wide private easement for public utilities.

The petitioner plans to use the paved alley return entrance (into Cooley Avenue) and requests such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

All involved city departments and privately-owned utility companies have reported no objections to the outright vacation and conversion of (part of) public rights-of-way into a private easement for public utilities. Provisions protecting utility installations within the remaining 11.00 feet wide private easement for public utilities are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,
WILLIAM L. TALLEY

Head Engineer
City Engineering
Division—DPW

By Council Member Scott:

Resolved, All of the south 9.00 feet of the westerly part of the east-west public alley, 20 feet wide, north of West Seven Mile Road between Houghton and Cooley Avenues; said south 9.00 feet being part of land deeded to the city for public alley purposes on February 14, 1951 — J.C.C. page 298; the westerly part of said east-west public alley being more particularly described as follows: Beginning at the northwestern corner of Lot 34 of "Seven Mile Lahser Subdivision of part of the Southeast Quarter of Section 4, Town 1 South, Range 10 East, Redford Township," City of Detroit, Wayne County, Michigan as recorded in Liber 57, Page 78, Plats, Wayne County Records; thence westerly along a line parallel with the south line of Section 4 to a point on the East line of "Parent Manor Subdivision of part of the Southeast Quarter of Section 4, Town 1 South, Range 10 East, Redford Township," City of Detroit, Wayne County, Michigan as recorded in Liber 40, Page 38, Plats, Wayne County Records; thence north-

erly along the East line of said "Parent Manor Subdivision," 20.01 feet; thence easterly along a line parallel with the south line of Section 4 to a point on the West line of said "Seven Mile Lahser Subdivision"; thence southerly along the West line of said "Seven Mile Lahser Subdivision," 20.01 feet to the point of beginning; also

All of the south 9.00 feet of the easterly part of the east-west public alley, 20 feet wide, north of West Seven Mile Road between Houghton and Cooley Avenues; the easterly part of said east-west public alley being more particularly described as follows: Beginning at the northwestern corner of Lot 34 of "Seven Mile Lahser Subdivision of part of the Southeast Quarter of Section 4, Town 1 South, Range 10 East, Redford Township," City of Detroit, Wayne County, Michigan as recorded in Liber 57, Page 78, Plats, Wayne County Records; thence northerly along the West line of said "Seven Mile Lahser Subdivision" to a point on the South line of Lot 31 of "Edward Rose Cooley Avenue Subdivision of part of Southeast Quarter Section 4, Town 1 South, Range 10 East," (Redford Township) City of Detroit, Wayne County, Michigan as recorded in Liber 72, Page 44, Plats, Wayne County Records; thence easterly along the South line of Lot 31 of said "Edward Rose Cooley Avenue Subdivision" to the southeastern corner of said Lot 31; thence southerly along the west line of Cooley Avenue (60 feet wide), 20.01 feet to the northeastern corner of Lot 34 of "Seven Mile Lahser Subdivision of part of the Southeast Quarter of Section 4, Town 1 South, Range 10 East, Redford Township," City of Detroit, Wayne County, Michigan as recorded in Liber 57, Page 78, Plats, Wayne County Records; thence westerly along the North line of Lot 34 of said "Seven Mile Lahser Subdivision," 15.41 feet to the point of beginning;

Be and the same are hereby vacated (outright) as (parts of) a public alley right-of-way (being the south 9.00 feet of said east-west public alley, 20 feet wide) to become part and parcel of the abutting property; and be it further

Resolved, All of the north 11.00 feet of the westerly part of the east-west public alley, 20 feet wide, north of West Seven Mile Road between Houghton and Cooley Avenues; said north 11.00 feet being part of land deeded to the city for public alley purposes on February 14, 1951 — J.C.C. page 298; the westerly part of said east-west public alley being more particularly described as follows:

Beginning at the northwestern corner of Lot 34 of "Seven Mile Lahser Subdivision of part of the Southeast Quarter of Section 4, Town 1 South, Range 10 East,

Redford Township," City of Detroit, Wayne County, Michigan as recorded in Liber 57, Page 78, Plats, Wayne County Records; thence westerly along a line parallel with the south line of Section 4 to a point on the East line of "Parent Manor Subdivision of part of the Southeast Quarter of Section 4, Town 1 South, Range 10 East, Redford Township," City of Detroit, Wayne County, Michigan as recorded in Liber 40, Page 38, Plats, Wayne County Records; thence northerly along the East line of said "Parent Manor Subdivision," 20.01 feet; thence easterly along a line parallel with the south line of Section 4 to a point on the West line of said "Seven Mile Lahser Subdivision;" thence southerly along the West line of said "Seven Mile Lahser Subdivision," 20.01 feet to the point of beginning; also

All of the north 11.00 feet of the easterly part of the east-west public alley, 20 feet wide, north of West Seven Mile Road between Houghton and Cooley Avenues; the easterly part of said east-west public alley being more particularly described as follows: Beginning at the northwestern corner of Lot 34 of "Seven Mile Lahser Subdivision of part of the Southeast Quarter of Section 4, Town 1 South, Range 10 East, Redford Township," City of Detroit, Wayne County, Michigan as recorded in Liber 57, Page 78, Plats, Wayne County Records; thence northerly along the West line of said "Seven Mile Lahser Subdivision" to a point on the South line of Lot 31 of "Edward Rose Cooley Avenue Subdivision of part of Southeast Quarter Section 4, Town 1 South, Range 10 East," (Redford Township) City of Detroit, Wayne County, Michigan as recorded in Liber 72, Page 44, Plats, Wayne County Records; thence easterly along the South line of Lot 31 of said "Edward Rose Cooley Avenue Subdivision" to the southeastern corner of said Lot 31; thence southerly along the west line of Cooley Avenue (60 feet wide), 20.01 feet to the northeastern corner of Lot 34 of "Seven Mile Lahser Subdivision of part of the Southeast Quarter of Section 4, Town 1 South, Range 10 East, Redford Township," City of Detroit, Wayne County, Michigan as recorded in Liber 57, Page 78, Plats, Wayne County Records; thence westerly along the North line of Lot 34 of said "Seven Mile Lahser Subdivision," 15.41 feet to the point of beginning;

Be and the same are hereby vacated as (parts of) a public alley right-of-way and are hereby converted into a private easement for public utilities (being the north 11.00 feet of said east-west public alley, 20 feet wide), which easement shall be subject to the following cove-

nants 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,

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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.

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 return at the entrance (into Cooley Avenue), 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 owners, 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 "Wilson H. Kassab, 4595 Old Orchard Trail, Orchard Lake, MI 48324" for the fair market value and/or other valuable considerations:

"Land in the City of Detroit, Wayne County, Michigan being all of the westerly part of the east-west public alley, 20 feet wide, north of West Seven Mile Road between Houghton and Cooley Avenues; said westerly part having been deeded to the city for public alley purposes on February 14, 1951 — J.C.C. page 298; the westerly part of said east-west public alley being more particularly described as follows: Beginning at the northwestern corner of Lot 34 of 'Seven Mile Lahser Subdivision of part of the Southeast Quarter of Section 4, Town 1 South, Range 10 East, Redford Township,' as recorded in Liber 57, Page 78, Plats, Wayne County Records; thence westerly along a line parallel with the south line of Section 4 to a point on the East line of 'Parent Manor Subdivision of part of the Southeast Quarter of Section 4, Town 1 South, Range 10 East, Redford Township,' as recorded in Liber 40, Page 38, Plats, Wayne County Records; thence northerly along the East line of said 'Parent Manor Subdivision,' 20.01 feet; thence easterly along a line parallel with the south line of Section 4 to a point on the West line of said 'Seven Mile Lahser Subdivision'; thence southerly along the West line of said 'Seven Mile Lahser Subdivision,' 20.01 feet to the point of beginning, containing about 2,610 square feet or 0.0599 acre more or less; subject to a private easement for public utilities across the north 11.00 feet of said land parcel, 20 feet wide."

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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