

Department of Public Works
City Engineering Division

August 2, 1994

Honorable City Council:

Re: Petition No. 3619. Murray Lighting Company, et al (together with the Housing Department) Alley to Easement east-west public alley in the block bounded by Griggs, Ilene, Norfolk and W. 8 Mile.

Petition No. 3619 of "Murray Lighting Company, et al (together with the Housing Department)" requests the conversion of the east-west public alley, 18 feet wide, in the block bounded by Griggs, Ilene and Norfolk Avenues, and W. Eight Mile Road into a private easement for public utilities. [NOTE: The first two lots south of the alley are under the jurisdiction of the Detroit Housing Department, having been dedicated as parking bays; being part of the Eight Mile-Wyoming Rehabilitation Project. — October 31, 1972 - J.C.C. page 2694.]

The requested conversion was approved by the Planning and Economic Development Department, Solid Waste Division — DPW, and Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

The petitioner(s) plan to use the paved alley return entrances (into Griggs and Ilene Avenues) and requests such remain in their present status. The petitioner(s) 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 Hood:

Resolved, All of the east-west public alley, 18 feet wide, in the block bounded by Griggs, Ilene and Norfolk Avenues, and W. Eight Mile Road lying southerly of and abutting the south line of Lots 19 thru 29; also lying northerly of and abutting the north line of Lots 346 and 465 as platted in "Grand Park Subdivision of the East Half of the Northeast Quarter of Section 5, Town 1 South, Range 11 East, Greenfield Township", City of Detroit, Wayne County,

Michigan as recorded in Liber 42, Page 16, 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; said fence and gate installations shall be subject to the review and approval of the Housing Department, Fire Marshal and Public Lighting Department, if necessary) 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 returns at the entrances (into Griggs and/or Ilene 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.

SEPT. 7, 1994
J.C.C. Pgs. 1771-72

PETITION NO. 3619
 MURRAY LIGHTING CO.
 C/O SALWAN JABRO
 PHONE: (313) 341-0416

W. EIGHT MILE RD.



GRIGGS AVE.

100	19	20	"	"	"	"	"	"	"	20	23
100	19	20	"	22	"	24	"	26	"	28	29
8										8	
40	PKG	BAY	465	123	123	346	PKG	BAY	40		
"			464	123	123	347	"				
"			463			348	"				
"							"				
"			461			350	"				
"							"				
"			455			356	"				
"							"				
"			453			358	"				
"							"				
"			451			360	"				
40							40				
42			449	123	123	362	42				

SUB'N.

~~ILLENE AVE.~~
Ilene.

NORFOLK AVE.



REQUESTED AREA FOR CONVERSION TO EASEMENT

CARTO NO. 88B

SCALE: 1"=100'

(FOR OFFICE USE ONLY)

A	CONV. TO EASE.	8/2		A.M.	7/18
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
V.T.M.					
DATE		APPROVED			
JAN.28,94.					

MURRAY LIGHTING CO.
 REQUESTED AREA FOR A
 CONVERSION TO EASEMENT

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X3619.dgn