

City Engineering Department
July 7, 1994

Honorable City Council:

Re: Petition No. 3861, Mid-Wyoming/
Grand River Congregation(s) of
Jehovah's Witnesses Alley to Easement
north-south public alley in the
block bounded by S. Clarendon,

Fernwood, Beechwood and the Jeffries
Freeway.

Petition No. 3861 of "Mid-Wyoming/
Grand River Congregation(s) of
Jehovah's Witnesses" requests the conversion
of the north-south public alley, 18
feet wide, in the block bounded by S.
Clarendon, Fernwood and Beechwood
Avenues, and the limited access right-of-
way of the Jeffries Freeway into a private
easement for public utilities.

The requested conversion was
approved by the Planning and Economic
Development Department. The petition
was referred to the City Engineering Division
— DPW for investigation and report.
This is our report:

The petitioner(s) plan to use the
paved alley return entrances (into the
Jeffries Freeway Service Drive and
Beechwood Avenue) 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 north-south public
alley, 18 feet wide, in the block bounded
by S. Clarendon, Fernwood and Beechwood
Avenues, and the limited access
right-of-way of the Jeffries Freeway lying
westerly of and abutting the west line of
the south 11.62 feet of Lot 15, and Lots
16 thru 19 of "Fernwood Walter F.
Baisch's Subdivision of Part of Quarter
Section 50, Ten Thousand Acre Tract,"
City of Detroit, Wayne County, Michigan
as recorded in Liber 32, Page 79, Plats,
Wayne County Records; also lying
easterly of and abutting the east line of
the south 28.99 feet of Lot 159, and Lots
156 thru 158 of "John Tireman's Subdivision
of Lot B of Tireman Estate Quarter
Section 50, Ten Thousand Acre Tract
and Fractional Section 3, Town 2 South,
Range 11 East (Springwells Township),"
City of Detroit, Wayne County, Michigan
as recorded in Liber 32, Page 10, Plats,
Wayne County Records;

Be and the same are hereby vacated
as public alleys and are hereby converted
into a private easement for public
utilities of the full width of the alleys,
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 alleys 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
alleys herein above described for the
purposes of maintaining, installing,
repairing, removing, or replacing public
utilities such as water mains, sewers,
gas lines or mains, telephones, 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
alleys 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.

FOURTH, that if the owners of any lots
abutting on said vacated alleys 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 is it becomes necessary to
remove the paved alley returns at the entrances
(into the Jeffries Freeway Service Drive and/or
Beechwood 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
(and/or Michigan Department of Transportation
specifications, if necessary, into the Jeffries
Freeway Service Drive) 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.

July 20, 1994
J.C.C. Pgs. 1445-46



2422
80 80
40 40 34.31

MARTINDALE
66 120
120 99 36
41
SUB'D.

60 FT WD
151
149
128
130
120
132

60 FT WD
119 120
117 115
70 45 42 4
1626
1823
1823

CLAREN DON

BEECHWOOD

FREWAY

WALTER F. FERNWOOD

FERNWOOD

50 FT WD

BAISCH'S

FERNWOOD

HOLDEN

EDMONTON

RE-SUB'D

16 FT

22 24 26 30 32 34 36 38 40 42 44 46 48 50
100 176 174 172 170 168 166 164 162 160 158 156 154 152 150 148 146 144 142 140 138 136 134 132 130 128 126 124 122 120 118 116 114 112 110 108 106 104 102 100 98 96 94 92 90 88 86 84 82 80 78 76 74 72 70 68 66 64 62 60 58 56 54 52 50 48 46 44 42 40 38 36 34 32 30 28 26 24 22 20 18 16 14 12 10 8 6 4 2