

Department of Public Works

October 19, 1994

Honorable City Council:

Re: Petition No. 3950, Society of St. Vincent DePaul, et al. Alleys to Easement remaining public alleys in the triangular block bounded by Gratiot, McDougall and Heidelberg.

Petition No. 3950 of "Society of St. Vincent DePaul" requests the conversion of the remaining public alleys, 20 feet wide, in the triangular block bounded by Gratiot and McDougall Avenues, and Heidelberg Street into a private easement for public utilities.

The requested conversion was approved by the Planning and 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 plans to use the paved alley return entrances (into Heidelberg Street and McDougall Avenue) 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

Council Member Cockrel:

Resolved, All of the remaining part of the "L"-shaped public alleys, 20 feet wide, in the triangular block bounded by Gratiot and McDougall Avenues, and Heidelberg Street lying southerly of and abutting the south line of Lots 1 thru 8; also lying northerly of and abutting the north line of Lot 16; also lying northerly of and abutting the northwesterly line of (part of) Lot 15; also lying easterly of and abutting the east line of the vacated east-west public alley (20 feet wide; having been previously vacated by City Council on December 2, 1930 — J.C.C. page 3083); also lying easterly of and abutting the east line of Lot 13; also lying westerly of and abutting the west line of Lots 15 and 16 as platted in "Block 46, A. M. Campau's Resubdivision of part of the McDougall Farm between McComb and Gratiot Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 96, Plats, Wayne County Records;

Be and the same are hereby vacated as public alleys and are hereby con-

verted 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, 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 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; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering 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 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 if it becomes necessary to remove the paved alley return(s) at the entrance (into Heidelberg Street and/or McDougall 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 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.

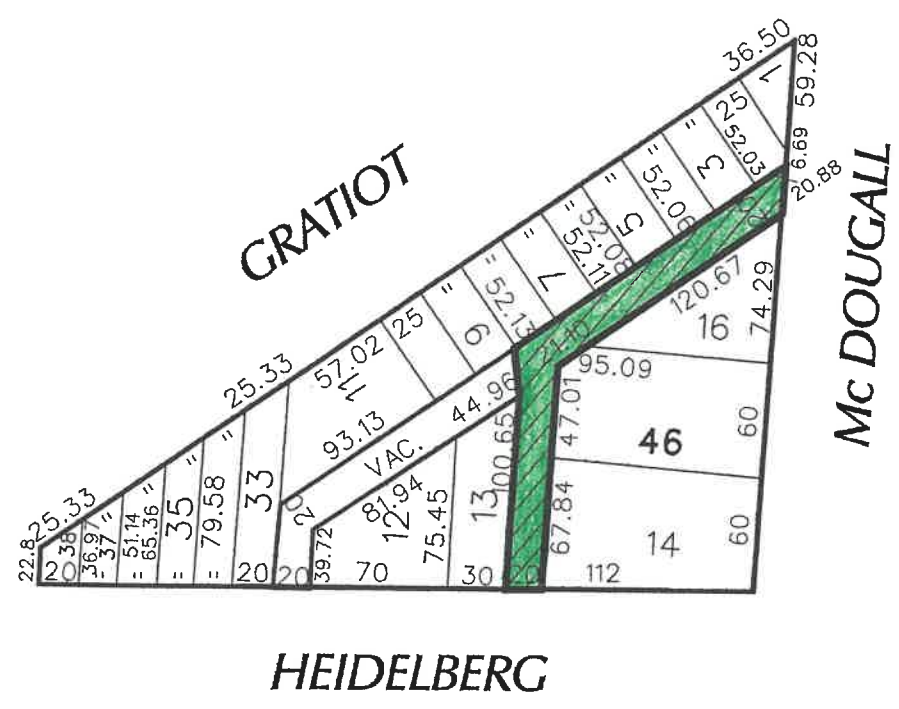
Adopted as follows:

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

Nays — None.

Nov. 2, 1994
J.C.C. Pgs. 2312-13

PETITION NO.3950
 SOCIETY OF ST. VINCENT DEPAUL
 C/O STANLEY WEGRZYNOWICZ
 PHONE : (313) 567-1910



REQUESTED AREA FOR CONVERSION TO EASEMENT

CARTO NO.39B
 SCALE : 1"=100'

(FOR OFFICE USE ONLY)

SOCIETY OF ST. VINCENT DEPAUL REQUESTED AREA FOR CONVERSION TO EASEMENT IN THE BLOCK BOUNDED BY HEIDELBERG, MCDUGALL & GRATIOT					CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
DRAWN BY V. MARSHALL					JOB NO. 01-01	
DATE APRIL 19, 1994					DRWG. NO. X3950.dgn	
REVISIONS						
CHECKED						
APPROVED						
DESCRIPTION						
DRWN						
CHKD						
APPD						
DATE						