

**Public Works Department  
City Engineering Division  
October 12, 1994**

Honorable City Council:  
Re: Petition No. 3994, Asmar Development Corporation, Alley to Easement, southerly part of the north-south public alley in the block bounded by Wyoming, Kentucky, Tireman and Belton.

Petition No. 3994 of "Asmar Development Corporation" requests the conversion of a southerly part of the north-south public alley, 20 feet wide, in the block bounded by Wyoming, Kentucky, Tireman and Belton 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 petitioner has reached a satisfactory agreement with Barden Cablevision regarding the relocation of anchor and guy wire(s).

The petitioner plans to use the paved alley return entrance (into Tireman Avenue) and requests such remain in its 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  
City Engineering  
Division—DPW

By Council Member Everett:

Resolved, All of the southerly part of the north-south public alley, 20 feet wide, in the block bounded by Wyoming, Kentucky, Tireman and Belton Avenues lying westerly of and abutting the west line of Lot 32; also lying easterly of and abutting the east line of the south 4.00 feet of Lot 38, and Lots 33 thru 37 as platted in "Robert Oakman Land Company's Bonaparte Boulevard Subdivision part of West Half of Northwest Quarter Section 4, Town 2 South, Range 11 East", City of Detroit, Wayne County, Michigan as recorded in Liber 43, Page 95, 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,

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 Tireman 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.

OCT. 26, 1994  
J.C.C. Pgs. 2234-35

PETITION NO.3994  
 ASMAR DEVELOPMENT, CORP.  
 C/O MENELAOS MANOLIS  
 PHONE : (810) 643-8993

**REVISED**

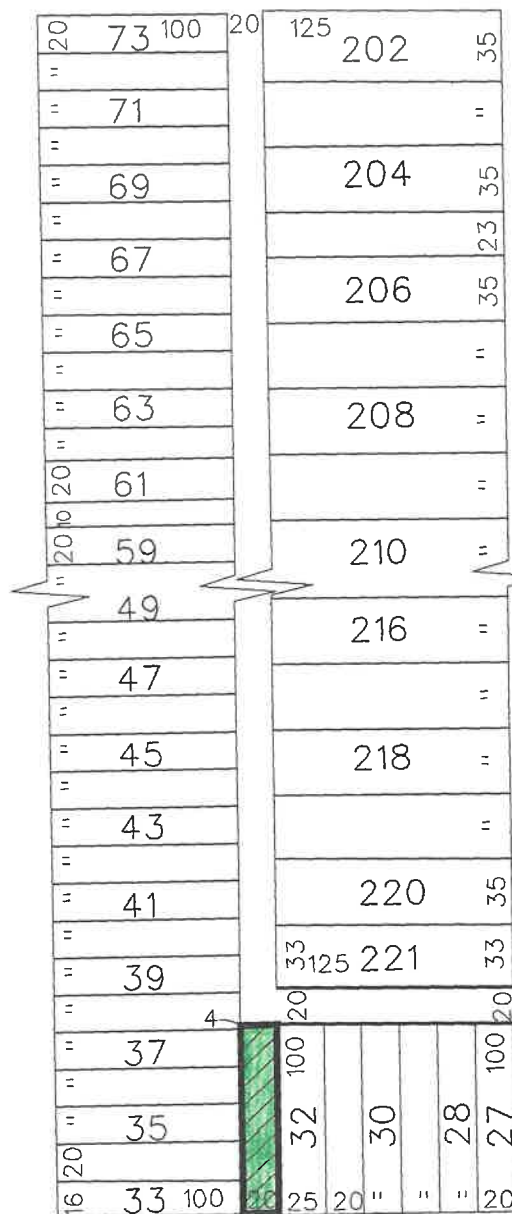


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**BELTON AVE. 50 FT. WD.**

**WYOMING AVE. 86 FT. WD.**

**KENTUCKY AVE. 60 FT. WD.**



REQUESTED CONVERSION TO EASEMENT  
 OF PART OF THE NORTH-SOUTH  
 PUBLIC ALLEY RIGHT-OF-WAY IN THE  
 BLOCK BOUNDED BY WYOMING, KENTUCKY,  
 TIREMAN & BELTON

**TIREMAN AVE. 86 FT. WD.**

CARTO NO.6B

SCALE : 1"=100'

(FOR OFFICE USE ONLY)

TR					
N-S ALLEY	J.M.K.			9-7-94	
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
V.MARSHALL					
DATE	APPROVED				
APRIL 21, 1994					

ASMAR DEVELOPMENT CORP.  
 REQUESTED CONVERSION TO EASEMENT  
 OF PART OF THE NORTH-SOUTH  
 PUBLIC ALLEY RIGHT-OF-WAY IN THE  
 BLOCK BOUNDED BY WYOMING, KENTUCKY,  
 TIREMAN & BELTON

**CITY OF DETROIT**  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU  
 JOB NO. 01-01  
 DRWG. NO. X3994.dgn