

Honorable City Council:

Re: Petition No. 1629. Downtown Development Authority and Charles A. Forbes Alley to Easement "L-shaped" public alley in the block bounded by Woodward, Witherell, Elizabeth and Columbia.

Petition No. 1629 of the "Downtown Development Authority (DDA) and Charles A. Forbes" requests the conversion of a "L-shaped" public alley, 20 feet wide, in the block bounded by Woodward Avenue, Witherell, Elizabeth and Columbia Streets into a private easement for public utilities. [NOTES: The public alley is temporarily closed until January 1, 2000. A closing resolution was adopted by City Council on December 9, 1994 — J.C.C. pages 2699-2702. This public alley vacation will be effective upon the transfer of the Wolverine property from the City of Detroit Housing Commission to the DDA.]

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 Elizabeth and/or Witherell Streets) 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.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member Hill:

Resolved, All of a "L-shaped" public alley, 20 feet wide, in the block bounded by Woodward Avenue, Witherell, Elizabeth and Columbia Streets lying westerly of and abutting the west line of Lot 80; also lying westerly of and abutting the west line of the east-west public alley (20 feet wide); also lying easterly of and abutting the east line of the southern 15.00 feet of Lot 85, and Lots 81 thru 84; also lying southerly of and abutting the south line of Lots 89 thru 97; also lying northerly of and abutting the north line of Lots 72 thru 80 of "Plat of William's Park Lots 1, 2, 3 and 4 as made and adopted by the Commissioners for the Partition of the Estate of John R. Williams (referred to in their partition) and their report duly filed in the City of Detroit, 1857," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 39, 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 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 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 entrance (into Elizabeth and/or Witherell Streets), 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 be it further

Resolved, This public alley vacation resolution will be effective upon the transfer of the Wolverine property from the City of Detroit Housing Commission to the Downtown Development Authority (DDA); 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 Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.

Nays — None.

*ON WAIVERS OF RECONSIDERATION

Council Member Everett moved to waive the right to consider the vote by which the resolutions were adopted.



SCALE 1"-100'
CARTOGRAPHIC MAP #29 F

PETITION * 1629
CONVERSION TO EASEMENT
"L-SHAPED" PUBLIC ALLEY
IN THE BLOCK BOUNDED BY
WOODWARD, WITHERELL
ELIZABETH AND COLUMBIA

DRWG. NO. X-1629

B					
A					
DESCRIPTION		DRAWN	CHECKD	APPD	DATE
REVISIONS					
DRAWN BY Jim Knoll		CHECKED			
DATE 9-27-95		APPROVED			