

Department of Public Works  
Engineering Division  
January 26, 1995

Honorable City Council:

Re: Petition No. 626, Jefferson Veterinary Clinic, Alleys to Easement "L"-shaped part of the public alleys south of E. Jefferson between Engel and St. Jean.

Petition No. 626 of "Jefferson Veterinary Clinic" requests the conversion of a "L"-shape part of the public alleys (7.22, 14.72 and 18 feet wide) lying south of E. Jefferson Avenue between Engel and St. Jean Avenues into a private easement for public utilities.

The petitioner has completed plans to construct a new replacement veterinary facility within a one-half acre site. The sale of vacant city-owned land for the development project was approved by your Honorable Body on September 29, 1993 (J.C.C. pages 1923-24).

The requested conversion was approved by the Planning and Development Department. The petition was referred to the City Engineering Division

Wayne County Records; also lying easterly of and abutting the east line of the vacated east-west public alley (18 feet wide, in the block bounded by Engel, St. Jean, Edlie and E. Jefferson Avenues; said public alley having been previously vacated by City Council on March 21, 1922 — J.C.C. page 528); also lying easterly of and abutting the east line of the south 19.06 feet of Lot 8, the north 12.00 feet of Lot 10, and Lot 9 as platted in "Engel and Schwartz's Subdivision of Part of Out Lots 1 and 2 of the St. Jean Farm, Private Claim 26, Village of Fairview", City of Detroit, Wayne County, Michigan as recorded in Liber 23, Page 69, Plats, Wayne County Records; also

All of the southern 10.00 feet of the eastern 7.50 feet of Lot 8 as platted in "Engel and Schwartz's Subdivision of Part of Out lots 1 and 2, of the St. Jean Farm, Private Claim 26, Village of Fairview", City of Detroit, Wayne County, Michigan as recorded in Liber 23, Page 69, Plats, Wayne County Records; said part of lot having been deeded to the city for public alley purposes on May 16, 1922 (J.C.C. page 916);

Be and the same are hereby vacated as (parts of "L"-shaped) public alley rights-of-way and are hereby converted into a private easement for public utilities, 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(s) 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(s) 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(s) 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(s) 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and be it further

Resolved, The Finance Director is hereby authorized and directed to issue a quit-claim deed to transfer the following vacated public (alley) right-of-way to "Timothy Allen Schacht and Alice Marczewski Schacht, his wife" for the fair

— DPW for investigation (utility review) and report. This is our report:

The city is owner in fee of the southern 10.00 feet of the eastern 7.50 feet of Lot 8 as platted in "Engel and Schwartz's Subdivision of Part of Out Lots 1 and 2 of the St. Jean Farm, Private Claim 26, Village of Fairview", City of Detroit, Wayne County, Michigan as recorded in Liber 23, Page 69, Plats, Wayne County Records; said part of lot having been deeded to the city for public alley purposes on May 16, 1922 (J.C.C. page 916). Therefore, the Finance Director must execute a quit-claim deed to transfer the vacated and converted part of public right-of-way.

All involved city departments and privately-owned utility companies have reported no objections to the conversion of (part 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,  
SUNDAY JAIYESIMI  
City Engineer  
City Engineering Division

By Council Member Scott:

Whereas, The "Jefferson Veterinary Clinic" has developed plans to construct a new replacement facility within a one-half acre site; located south of E. Jefferson between Engel and St. Jean Avenues. The sale of vacant city-owned land for the development project was approved by City Council on September 29, 1993 (J.C.C. pages 1923-24); therefore be it

Resolved, All that part of the east-west public alley, 18 feet wide, first south of E. Jefferson Avenue between Engel and St. Jean Avenues lying southerly of and abutting the south line of the west 25.80

feet of Lot 3, Lots 1 and 2; also lying northerly of and abutting the north line of the west 80.38 feet of Lot 4 of "Carpenter's Jefferson Beach Subdivision of Part of Lot 2 of the Subdivision of Westerly Part of St. Jean Farm, Private Claim 26, Grosse Pointe (Township)", City of Detroit, Wayne County, Michigan as recorded in Liber 22, Page 96, Plats, Wayne County Records; also

All that part of the north-south public alley, 7.22 and 14.72 feet wide, south of E. Jefferson Avenue between Engel and St. Jean Avenues lying westerly of and abutting the west line of the north 14.76 feet of Lot 6, Lots 4 and 5 of "Carpenter's Jefferson Beach Subdivision of Part of Lot 2 of the Subdivision of Westerly Part of St. Jean Farm, Private Claim 26, Grosse Pointe (Township)", City of Detroit, Wayne County, Michigan as recorded in Liber 22, Page 96, Plats, Wayne County Records; also lying easterly of and abutting the east line of the vacated east-west public alley (18 feet wide, in the block bounded by Engel, St. Jean, Edlie and E. Jefferson Avenues; said public alley having been previously vacated by City Council on March 21, 1922 — J.C.C. page 528); also lying easterly of and abutting the east line of the south 19.06 feet of Lot 8, the north 12.00 feet of Lot 10, and Lot 9 as platted in "Engel and Schwartz's Subdivision of Part of Out Lots 1 and 2 of the St. Jean Farm, Private Claim 26, Village of Fairview", City of Detroit, Wayne County, Michigan as recorded in Liber 23, Page 69, Plats, Wayne County Records; also

All of the southern 10.00 feet of the eastern 7.50 feet of Lot 8 as platted in "Engel and Schwartz's Subdivision of Part of Out lots 1 and 2, of the St. Jean Farm, Private Claim 26, Village of Fairview", City of Detroit, Wayne County, Michigan as recorded in Liber 23, Page 69, Plats, Wayne County Records; said part of lot having been deeded to the city for public alley purposes on May 16, 1922 (J.C.C. page 916);

Be and the same are hereby vacated as (parts of "L"-shaped) public alley rights-of-way and are hereby converted into a private easement for public utilities, 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(s) 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(s) 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.

market value and/or other valuable considerations:

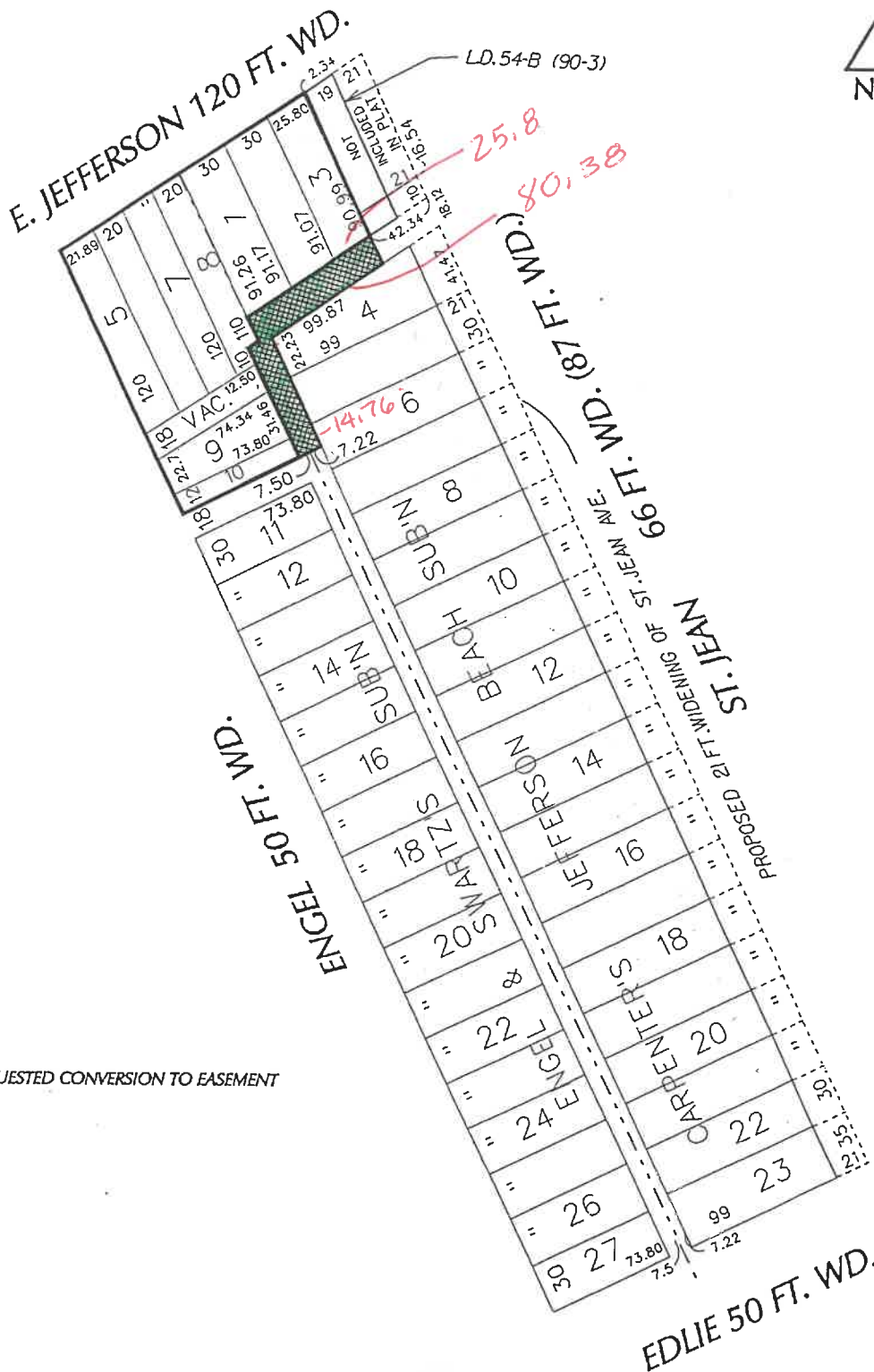
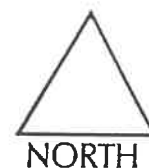
"Land in the City of Detroit, Wayne County, Michigan being all of the southern 10.00 feet of the eastern 7.50 feet of Lot 8 as platted in "Engel and Schwartz's Subdivision of Part of Out Lots 1 and 2 of the St. Jean Farm, Private Claim 26, Village of Fairview", as recorded in Liber 23, Page 69, Plats, Wayne County Records; said part of lot having been deeded to the city for public alley purposes on May 16, 1922 (J.C.C. page 916), containing about 75 square feet or 0.0017 acre more or less; subject to a private easement for public utilities."

Adopted-as follows:

Yeas — Council Members Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 8.

Nays — None.

PETITION NO. 626  
 JEFFERSON VETERINARY CLINIC  
 C/O T.A. SCHACHT, DVM  
 9201 E. JEFFERSON  
 DET., MI. 48214  
 (313)822-2555



REQUESTED CONVERSION TO EASEMENT

CARPENTER'S JEFFERSON BEACH SUB'N  
 ENGLE & SWARTZ'S SUB'N

FOR OFFICIAL USE ONLY

CARTO NO. 54-A  
 SCALE: 1" = 100'

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
JAMES FOSTER					
DATE	APPROVED				
11/15/94					

REQUESTED CONVERSION TO EASEMENT OF A PORTION OF THE E/W ALLEY 18 FT. WD. AND A PORTION OF THE N/S ALLEYS 7.22 & 14.72 FT. WD. ALL IN THE BLOCK BOUNDED BY EDLIE, E. JEFFERSON, ENGLE AND ST. JEAN.

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CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU  
 JOB NO. 01-01  
 DRWG. NO. X626.DGN

Feb. 1, 1995. VCC Pg. 251-53.