

Department Of Public Works
City Engineering Division

November 7, 1996

Honorable City Council:

Re: Petition No. 1723, Potak Packing Co.,
at al. Alley to Easement, westerly half
of east-west public alley in the block
bounded by Goddard, Arlington, E.
McNichols and Stender.

Petition No. 1723 of "Potak Packing,
Co., at al" requests the conversion of the
westerly half of the east-west public alley,
18 feet wide, in the block bounded by
Goddard and Arlington Avenues, E.
McNichols Road, and Stender Street into
a private easement for public utilities.

The requested conversion was
approved by Solid Waste Division —
DPW, and Traffic Engineering Division —
DPW. The petition was referred to the City
Engineering Division — DPW for investi-
gation (utility review) and report. This is
our report:

The petitioner plan to use the paved
alley return entrance (into Goddard
Avenue) and requests such remain in its
present status. The abutting owners shall
pay all incidental removal costs whenever
discontinuance of use makes removal
necessary.

City departments and privately owned
utility companies have reported no objec-
tions to the conversion of public rights-of-
way into a private easement for public util-
ities. Provisions protecting utility installa-
tions 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 Scott:

Resolved, All that part of the east-west
public alley, 18 feet wide, in the block
bounded by Goddard and Arlington
Avenues, E. McNichols Road, and
Stender Street lying southerly of and
abutting the south line of Lot 159; also
lying northerly of and abutting the north
line of the westerly 12.00 feet of Lot 155,
and Lots 156 thru 158 of "Palmer
Highland's Subdivision of part of
Southwest Quarter of Fractional Section
7, Town 1 South, Range 12 East,
Hamtramck Township", City of Detroit,
Wayne County, Michigan as recorded in
Liber 34, page 35, 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, assigns, adminis-

trators 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 pur-
pose 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 condi-
tion,

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 sub-
ject to the review and approval of the Fire
Marshal and Buildings and Safety
Engineering Department, if necessary) shall
be built or placed upon said ease-
ment, 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 con-
struction 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 Goddard Avenue), such
removal and construction of new curb and
sidewalk shall be done under city permit
and inspection according to City
Engineering Division — DPW specifica-
tions with all costs borne by the abutting
owner(s), their heirs or assigns; and fur-
ther

Provided, That the City Clerk shall with-
in 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,

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45.1

PETITION NO. 1723
 POTOK PACKING COMPANY
 2415 E. McNICHOLS
 CO RAY DODSON
 PHONE: 313-893-4228

STENDER AV



GODDARD AV.

ARLINGTON AV.

30	179 ¹⁰¹	16	101	130	30
35					35
30	177			132	30
35					35
"	175			134	"
"					"
"	173			136	"
"					"
"	171			138	"
"					"
"	169			140	"
"					"
"	167			142	"
"					"
"	165			144	"
"					"
"	163			146	"
"					"
"	161			148	"
35					35
28.76	159	101	16	101	150
			18		
100	158				100
41	20	"	"	"	41
		"	"	"	
	156				
		"	"	"	
	154				
		"	"	"	
	152				
		20			
	151				
		100	18		
					23.35

*Nov. 20, 1996
 OCC pp. 2536-37*



REQUESTED CONVERSION
 TO EASEMENT

E. McNICHOLS RD.

42

PALMER HIGHLANDS SUB'N

CARTO. NO. 45-D
 SCALE 1"=100"

(FOR OFFICE USE ONLY)

A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
N. PERRY					
DATE	APPROVED				
4-9-96					

REQUESTED CONVERSION TO EASEMENT
 OF A PORTION OF THE E /W PUBLIC
 ALLEY 16 FT. WD. IN THE BLOCK
 BOUNDED BY GODDARD AV., ARLINGTON
 AV., STENDER AV. AND E. McNICHOLS RD.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X1723.DGN