

Department of Public Works  
City Engineering Division  
June 17, 1996

Honorable City Council:

Re: Petition No. 1915 (a) Detroit Edison Company—Edison Center Parking Area Alleys to Easement—two remaining public alleys in the block bounded by Fourth, Third, Plaza Drive and Beech

Petition No. 1915 (a) of the "Detroit Edison Company" requests the conversion of the two remaining north-south public alleys, 14.70 and 15 feet wide, in the block bounded by Fourth and Third Avenues, Plaza Drive and Beech Street into a private easement for public utilities. The purpose of the public alley closings is to renovate one of Detroit Edison's parking lots surrounding their downtown headquarters.

The petition was referred to the City Engineering Division — DPW by the City Clerk for investigation (utility clearances) and report. This is our report:

The Traffic Engineering Division — DPW, has approved the public alley closings.

Detroit Edison plans to construct two new driveways from Plaza Drive into the parking lot. Detroit Edison will pay all expenses to remove the four paved public alley returns. The placement of public sidewalks and commercial driveways is subject to city specifications, permits and inspection.

The Public Lighting Department (PLD) has overhead facilities in the public alleys. Comcast Cablevision (CATV) has conduit facilities in the public alleys. Satisfactory arrangements (to relocate both the street lighting circuits of PLD, and the conduit of CATV) are complete.

All other city departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

By Council Member Cockrel:

RESOLVED, All of the north-south public alley, 14.70 feet wide, in the block bounded by Fourth and Third Avenues, Plaza Drive and Beech Street lying westerly of and abutting the west line of Lot 5, and Lot 8; also lying easterly of and abutting the east line of Lots 1 thru 4, Block 56 of the "Plat of the Subdivision of the Jones Farm between Michigan Avenue and the North line of Beech Street", City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 53, Deeds, Wayne County Records; and

All of the north-south public alley, 15 feet wide, in the block bounded by Fourth and Third Avenues, Plaza Drive and Beech Street lying westerly of and abutting the westline of Lots 1 thru 4; also lying easterly of and abutting the east line of Lot 5, and Lot 6, Block 51 of the "Plat of the Subdivision of Blocks 52, 61, 67 and part of Blocks 57, 64, 69 and 71 of the Cass Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 128, Plats, Wayne County Records;

DETROIT EDISON

June 26, 1996

Be and the same are hereby vacated as public alleys and are hereby converted 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 street or 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 when it becomes necessary to remove the paved alley returns at their entrances (into Beech Street and Plaza Drive), 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.

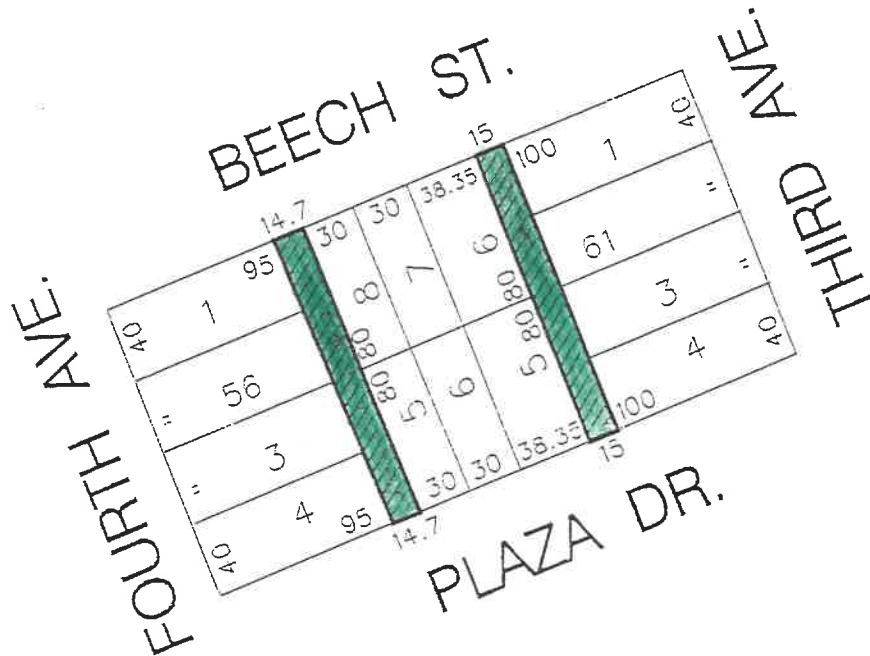
Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott and President Pro Tem Hill — 8.

Nays — None.

PETITION NO. 1915  
 DETROIT EDISON  
 2000 SECOND  
 CO MIKE SCHEFKA  
 PHONE: 810-351-5769

E:\MSFILES\X DIR\



REQUESTED CONVERSION TO EASEMENT

28-B

C/26/96

9 CC pg. 1386 - 1388

CARTO. NO. 28-B  
 SCALE 1"=100'

(FOR OFFICE USE ONLY)

22

B					
A					
DESCRIPTION					
REVISIONS					
DRWN	CHKD	APPD	DATE		
DRAWN BY				CHECKED	
N. PERRY					
DATE				APPROVED	
6 1 00					

REQUESTED CONVERSION TO EASEMENT  
 14.7 FT. WD. AND 15 FT. WD. PUBLIC ALLEY  
 BLOCKS BOUNDED BY FOURTH AVE.,  
 THIRD AVE., PLAZA DR. AND BEECH AVE.

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