

Manaffey — 9.
Nays — None.

Department of Public Works
City Engineering Division
November 7, 1996

Honorable City Council:

Re: Petition No. 1972 McDonalds Corporation, et al Alley to Easement north-south public alley in the block bounded by Woodward, Bauman, W. 7 Mile, and Larchwood.

Petition No. 1972 of "McDonald's Corporation, et al" requests the conversion of the north-south public alley, 15 feet wide, in the block bounded by Woodward and Bauman Avenues, W. Seven Mile Road, and Larchwood Avenue into a private easement for public utilities.

The requested conversion was approved by the Planning and Development Department, Solid Waste Division - DPW, and Traffic Engineering Division - DPW. 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 remove the paved alley return entrances (into W. Seven Mile Road and Larchwood Avenue). 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 Engineering Division - DPW

By Council Member Scott:

RESOLVED, All of the north-south public alley, 15 feet wide, in the block bounded by Woodward and Bauman Avenues, W. Seven Mile Road, and Larchwood Avenue lying westerly of and abutting the west line of Lot 47; also lying easterly of and abutting the east line of Lots 48 thru 51 of "Ivanhoe Addition Subdivision of Lot 2 of Peter Dixon's Subdivision of East Half of Southwest Quarter of Section 2, Town 1 South, Range 11 East, Greenfield [Township], City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 70, 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

NDAY, NOVEMBER 25, 19

N I S S U B J E C T T O F

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, retaining or partition walls, (excepting therefrom the appurtenances shown on the plan by "Lautzenheiser Associates Architects", 620 S. Dorchester, Royal Oak, MI 48067; phone: 810-399-2216; fax: 810-399-2774; L.A.A. #9601; drawing title: "McDonald's - Detroit Region, Street Address: Woodward and 7 Mile, City - Detroit, State- Michigan, County - Wayne, Site Location Code No. 021-1416; sheet No. C-1; date drawn: 2/8/96; Revision 1, date 2/12/96, entitled: 'Added public alley to be vacated'; Revision 2, date 2/21/96, entitled: 'Moved building forward of alley'; said 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 when it becomes necessary to remove the paved alley return(s) at their entrance(s) (into W. Seven Mile Road and/or Larchwood 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 "McDonald's" owner(s), their heirs or assigns; and further

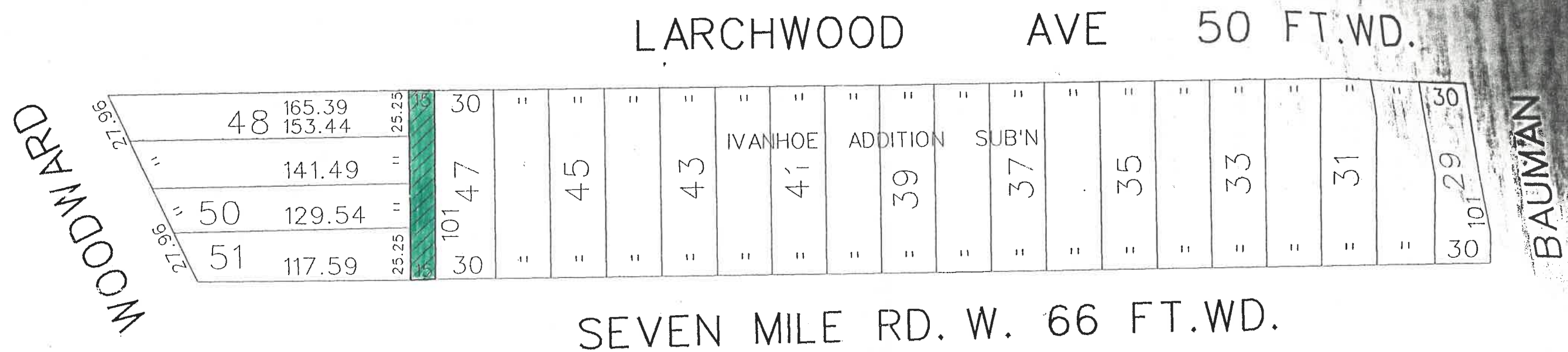
PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

PETITION NO.1972
McDONALD'S Corp.
2000 TOWN CTR. STE 700
() MARK J. MILLER, REAL ESTATE REP.
PHONE: 810-354-9390



 REQUESTED CONVERSION TO EASEMENT

Nov. 20, 1996
JCC pp. 2538-39

27-F

(FOR OFFICE USE ONLY)

SCALE: 1" = 60'
CARTO. NO. 27-F

IVANHOE ADDITION SUB'N

REQUESTED CONVERSION TO EASEMENT OF THE NS PUBLIC ALLEY 15 FT.WD.
IN THE BLOCK BOUNDED BY WOODWARD, BAUMAN, W. 7 MILE AND LARCHWOOD.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X1972.DGN

DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS				
DRAWN BY	CHECKED			
N. PERRY				
DATE	APPROVED			
4-4-90				