

July 31, 1996

IN IS SUBJECT TO

Department Of Public Works  
City Engineering Division  
Honorable City Council:

July 25, 1996

Re: Petition No. 975. Padillia Windows, Inc. Alley to Vacation and Easement east-west public alley in the block bounded by St. Louis, Mt. Elliott, Charles, and Rupert

Petition No. 975 of "Padillia Windows, Inc." requests the (outright) vacation of the easterly half; also the conversion of the westerly half of the east-west public alley, 20 feet wide, in the block bounded by St. Louis, Mt. Elliott, Charles, and Rupert Avenues into a private easement for public utilities.

The requested vacation 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:

Comcast Cablevision will reroute facilities from the public alley. The Water and Sewerage Department will abandon part of a public sewer beneath the owner's proposed building expansion. Satisfactory arrangements between Padillia Windows and the two utilities are complete.

The petitioner plans to use the paved alley return entrances (into St. Louis and Charles Avenues) and requests such remain in their present status. Padillia Windows 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

By Council Member Scott:

RESOLVED, All that part of the east-west public alley, 20 feet wide, in the block bounded by St. Louis, Mt. Elliott, Charles, and Rupert Avenues lying southerly of and abutting the south line of Lot 239; also lying northerly of and abutting the north line of Lots 234 thru 238 of "Arthur T. Waterfall's Mt. Elliot Subdivision, being part of the Southwest Quarter of the Northwest Quarter of Section 16, Town 1 South, Range 12 East (Hamtramck Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 57, Page 17, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as a public alley to become part and parcel of the abutting property; and be it further

RESOLVED, All that part of the east-west public alley, 20 feet wide, in the block bounded by St. Louis, Mt. Elliott, Charles, and Rupert Avenues lying southerly of and abutting the south line of the vacated north-south public alley (20 feet wide, in said block; having been previously vacated by City Council on June 23, 1993 — J.C.C. pages 1242-43); also lying southerly of and abutting the south line of Lot 226; also lying northerly of and abutting the north line of Lots 227 thru 233 of "Arthur T. Waterfall's Mt. Elliot Subdivision, being part of the Southwest Quarter of the Northwest Quarter of Section 16, Town 1 South, Range 12 East (Hamtramck Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 57, Page 17, 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 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 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 return(s) at their entrance(s) (into St. Louis and/or Mt. Elliott Avenues), 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 "Padillia Windows, Inc." (the abutting owner), 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, Everrett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

PETITION NO. 975  
 KAUFMAN/PADILLA WINDOW & DOOR INC.  
 12891 MT. ELLIOTT DET., MI. 48212  
 C/O DANIEL W. PADILLA  
 PHONE: 313.893.9500 FAX: 893.7897



RUPERT AVE. 60 FT.WD.

ST. LOUIS AVE. 60 FT. WD.

MT. ELLIOTT AVE. 76 FT. WD.



REQUESTED CONV.  
TO EASEMENT.



REQUESTED OUTRIGHT  
VACATION.

41	210	120	20	100	268	21
35					266	"
"	212				264	"
"					262	"
"	214				260	"
"					258	"
"	216				256	"
"					254	"
"	218				252	"
"					250	"
"	220				248	"
"					246	"
"	222				244	"
"					242	"
"	224				240	"
"					239	"
35	226	120	20	100		20
20	227	100				100
"	229					
"	231					
"	233					
"	235					
"	237					
20	238	100				100

CONV. TO EASEMENT 6/23/93 J.C.C. PGS. 1242-43

*July 31, 1996*  
*JCC pgs. 1824-1825*

CHARLES AVE. 76 FT.WD.

WATERFALLS MT.ELLIOTT SUBN

CARTO NO. 51B  
 SCALE: 1"=100'

44

(FOR OFFICE USE ONLY)

REQUESTED CONVERSION TO EASEMENT AND REQUESTED OUTRIGHT VACATION OF PORTIONS OF THE E/W PUBLIC ALLEY 20 FT. WD. IN THE BLK. BND. BY ST. LOUIS, MT. ELLIOTT, CHARLES AND RUPERT.		CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
DESCRIPTION REVISIONS DRAWN BY J. FOSTER DATE 2/8/96		JOB NO. 01-01 DRWG. NO. X975.DGN	
CHKD APPD DATE		CHECKED APPROVED	