

Department of Public Works
City Engineering Division
November 24, 1997

Honorable City Council:

Re: Petition No. 1137 Navarre, Inc. Alley to Easement east-west public alley in the block bounded by Klinger, Revere, Winchester and E. 8 Mile
Petition No. 2962 of "Navarre, Inc." requests the conversion of the east-west public alley, 20 feet wide, in the block bounded by Klinger, Revere and Winchester Avenues, and E. Eight Mile Road into a private easement for public utilities.

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

The requested alley closing was approved by Solid Waste Division — DPW, and Traffic Engineering Division — DPW.

The petitioner plans to use the paved alley return entrances (into Klinger and/or Revere Avenues) and requests such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies 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 JAYESIMI,

City Engineer

By Council Member Cockrel:

Resolved, All of the east-west public alley, 20 feet wide, in the block bounded by Klinger, Revere and Winchester Avenues, and E. Eight Mile Road lying southerly of and abutting the south line of Lots 149 thru 159 of the "Assessors Base Line Superhighway Subdivision No. 4 a Resubdivided of Lots 1 to 8 inclusive and part of Lot 9; 59 to 73 inclusive and part of 58 and 74; 124 to 138 inclusive and part of 123 and 134; 189 to 203 inclusive and part of 188 and 204; 254 to 268 inclusive and part of 253 and 269; 319 to 333 inclusive and part of 318 and 334; 384 to 398 inclusive and part of 383 and 399; 449 to 463 inclusive and part of 448 and 464; 514 to 527 inclusive and part of 513 and 528; 578 to 590 inclusive and part of 577 and 591 and vacated alleys of Seymour and Troester's Clairmont Park Subdivision of the North Half of the Northeast Quarter of Section 6, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan as recorded in Liber 63, Page 64, Plats, Wayne County Records; also lying northerly of and abutting the north line of the remaining part of Lot 253 (not included in said "Assessors Base Line Superhighway Subdivision No. 4", City of Detroit, Wayne County, Michigan as recorded in Liber 63, Page 64, Plats, Wayne County Records); also lying northerly of and abutting the north line of the vacated north-south public alley (18 feet wide; in the block bounded by Klinger, Revere and Winchester Avenues, and E. Eight Mile Road; said public alley having been previously vacated by City Council on November 23, 1988 J.C.C. pages 2857-80); also lying northerly of and abutting the north line of the remaining part of Lot 259 (not included in said "Assessors Base Line Superhighway Subdivision No. 4", City of Detroit, Wayne County, Michigan as recorded in Liber 63, Page 64, Plats, Wayne County Records); as platted in Seymour and Troester's Clairmont Park Subdivision of the North Half of the Northeast Quarter of Section 6, Town 1 South, Range 12 East, Hamtramck Township, City of Detroit, Wayne County, Michigan as recorded in Liber 52, Page 43, 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

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 Klinger and/or Revere 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 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 Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.

Nays — None.

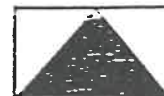
DEC. 3, 1997

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CARTO 91-B

PETITION NO. 1137
 NAVARRE, INC.
 3500 E. 8 MI. RD.
 C/O KEN NAVARRE
 PHONE: 313.892.7300



NORTH

E. 8 MI. RD. 204 FT. WD.

