

Department of Public Works
City Engineering Division
September 23, 1997

Honorable City Council:
Re: Petition No. 19158 Detroit Edison
Company Alloys to Easement
remaining public alleys in the block
bounded by Fourth, Third, Bagley
and Plaza Drive

Petition No. 19158 of "Detroit Edison
Company" requests the conversion of the
remaining public alleys (14.7, 15 and 17
feet wide) in the block bounded by Fourth,
Third and Bagley Avenues, and Plaza
Drive into a private easement for public
utilities.

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

The requested alley closings were
approved by Solid Waste Division —
DPW, and Traffic Engineering Division —
DPW.

The petitioner will remove the paved
alley return entrances into Plaza Drive
and Bagley Avenue. Detroit Edison
Company and/or their contractors shall
pay all incidental removal costs.

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 JAIYESIMI,
City Engineer

By Council Member Scott:

Resolved, All of the north-south public
alley, 14.70 feet wide, east of Fourth
Avenue between Bagley Avenue and
Plaza Drive lying westerly of and abutting
the west line of Lot 11; also lying westerly
of and abutting the west line of the east-
west public alley (15 feet wide; in the
block bounded by Fourth, Third and
Bagley Avenues, and Plaza Drive); also
lying westerly of and abutting the west
line of Lot 8; also lying easterly of and
abutting the east line of Lots 1 thru 7 as
platted in "Block 55, Plat of the
Subdivision of the Jones' Farm between
Michigan Avenue and the North line of

attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI,
City Engineer

By Council Member Scott:

Resolved, All of the north-south public
alley, 14.70 feet wide, east of Fourth
Avenue between Bagley Avenue and
Plaza Drive lying westerly of and abutting
the west line of Lot 11; also lying westerly
of and abutting the west line of the east-
west public alley (15 feet wide; in the
block bounded by Fourth, Third and
Bagley Avenues, and Plaza Drive); also
lying westerly of and abutting the west
line of Lot 8; also lying easterly of and
abutting the east line of Lots 1 thru 7 as
platted in "Block 55, Plat of the
Subdivision of the Jones' Farm between
Michigan Avenue and the North line of
Beach Street," City of Detroit, Wayne
County, Michigan as recorded in Liber 53,
Page 53, Deeds, Wayne County Records;

All that part of the east-west public
alley, 15 feet wide, in the block bounded
by Fourth, Third and Bagley Avenues, and
Plaza Drive lying southerly of and abut-
ting the south line of Lots 10 and 11; also
lying northerly of and abutting the north
line of Lots 8 and 9 as platted in "Block 55,
Plat of the Subdivision of the Jones' Farm
between Michigan Avenue and the North
line of Beach Street," City of Detroit,
Wayne County, Michigan as recorded in
Liber 53, Page 53, Deeds, Wayne County
Records;

All that part of the east-west public
alley, 17 feet wide, in the block bounded
by Fourth, Third and Bagley Avenues, and
Plaza Drive lying southerly of and abut-
ting the south line of Lot 9; also lying
northerly of and abutting the north line of
Lot 8 as platted in "Block 57, Plat of the
Subdivision of Blocks 52, 51, 67 and part
of Blocks 57, 54, 69 and 71 of the Cass
Farm," City of Detroit, Wayne County,
Michigan as recorded in Liber 1, Page
128, Plats, Wayne County Records;

All of the north-south public alley, 15
feet wide, west of Third Avenue between
Bagley Avenue and Plaza Drive lying
westerly of and abutting the west line of
Lots 1 thru 7 as platted in "Block 57, Cass
Western Addition to the City of Detroit
between the Chicago and Grand River
Roads by Lewis Cass 1851," City of
Detroit, Wayne County, Michigan as
recorded in Liber 42, Pages 138-141,
Deeds, Wayne County Records; also lying
easterly of and abutting the east line of
Lot 9; also lying easterly of and abutting
the east line of the east-west public alley
(17 feet wide; in the block bounded by
Fourth, Third and Bagley Avenues, and
Plaza Drive); also lying easterly of and
abutting the east line of Lot 8 as platted in
"Block 57, Plat of the Subdivision of
Blocks 52, 51, 67 and part of Blocks
57, 54, 69 and 71 of the Cass Farm," City of
Detroit, Wayne County, Michigan as
recorded in Liber 1, Page 128, Plats,
Wayne County Records;

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 esae-
ment shall be subject to the following
covenants and agreements, uses, reser-
vations and regulations, which shall be
observed by the owners of the lots abut-
ting 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 pur-
poses 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
alleys herein above described shall be
forever accessible to the maintenance
and inspection forces of the utility compa-
nies, or those specifically authorized by
them, for the purpose of inspecting,
installing, maintaining, repairing, remov-
ing, 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 neces-
sary 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 compa-
nies, 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 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 esae-
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 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 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 returns at their
entrances (into Plaza Drive and/or Bagley
Avenue), such removal and construction
of new curb and sidewalk shall be done
under city permit and inspection accord-
ing 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 with-
in 30 days record a certified copy of this
resolution with the Wayne County
Registrar of Deeds.

Adopted as follows:

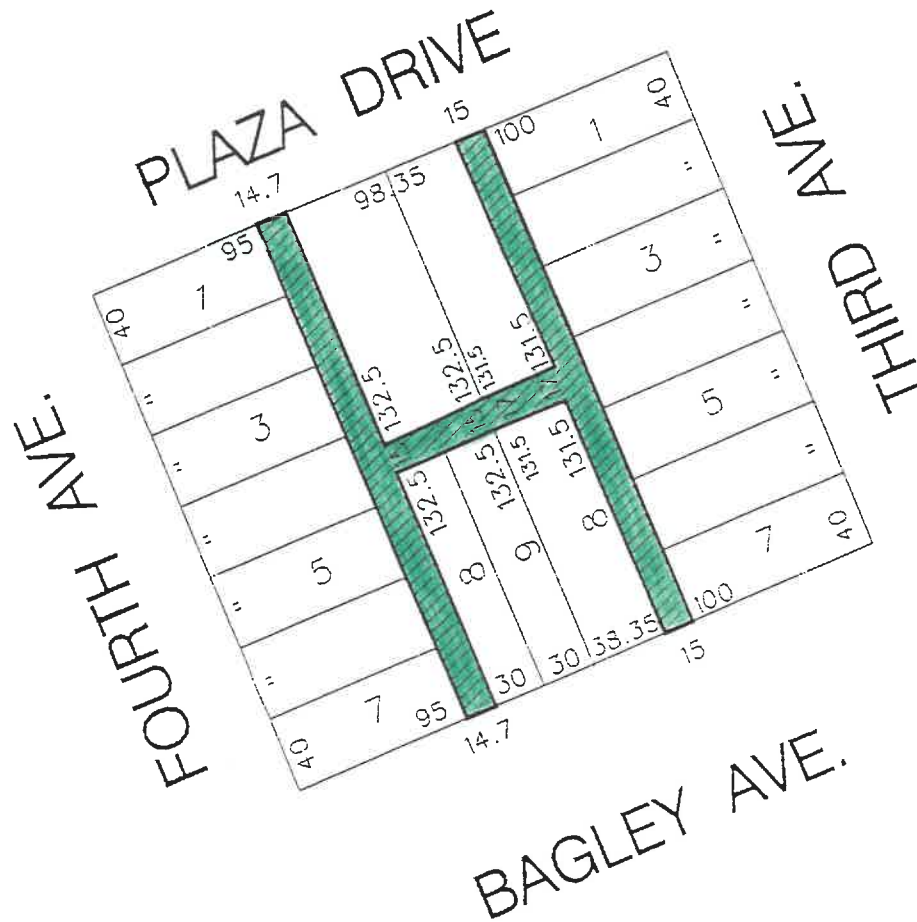
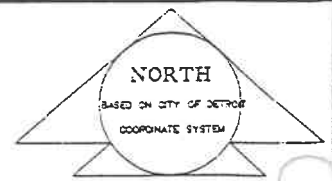
Yeas — Council Members Cleveland,
Everett, Hill, Hood, Ravitz, Scott, Tinsley-
Williams, and President Mahaffey — 9.
Nays — None.

OCT. 1, 1997

J.C.C. pgs.

2566 - 2568

PETITION NO. 1915B
 DETROIT EDITION
 2000 SECOND AVENUE
 C/O MIKE SCHEFKA
 PHONE 810-351-5769



REQUESTED CONVERSION TO EASEMENT

PLAT OF SUB'N OF JONES FARM

26

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

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
N. PERRY					
DATE	APPROVED				
6-11-06					

REQUESTED CONVERSION TO EASEMENT
 OF THE PUBLIC ALLEYS IN THE BLOCKS
 BOUNDED BY THIRD AVE., FOURTH AVE.,
 BAGLEY AVE. AND PLAZA DRIVE.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X1915B.DGN