

Department of Public Works
City Engineering Division
December 4, 1996

Honorable City Council:

Re: Petition No. 1957. Cadieux Cafe, et al
Alley to Easement remaining north-
south public alley east of Cadieux
between Waveney and Cincinnati.

Petition No. 1957 of "Cadieux Cafe, et al" requests the conversion of the remaining north-south public alley, 14 feet wide, east of Cadieux Avenue between Waveney and Cincinnati Avenues into a private easement for public utilities.

The requested conversion was approved by the 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 use the paved alley return entrances (into Waveney and Cincinnati Avenues) and requests such remain in their present status. Cadieux Cafe 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 Tinsley-Williams:

Whereas, In a letter (received at City Engineering Division — DPW on October 29, 1996), the owner of 17130 Cincinnati Avenue consented to Petition No. 1957 of "Cadieux Cafe", therefore be it

Resolved, All of the north-south public alley, 14 feet wide, east of Cadieux Avenue between Waveney and Cincinnati Avenues lying westerly of and abutting the western line of Lot 8; also lying westerly of and abutting the western line of the vacated east-west public alley (14 feet wide, in said block; having been previously vacated by City Council on June 17, 1958 — J.C.C. pages 1308-09); also lying wester-

ly of and abutting the western line of 43; also lying easterly of and abutting eastern line of Lots 1 thru 7 as platted Block 6, of "Columbia Freun Subdivision of Lots 25 to 33 inclusive Michael Cadieux Estate, Private Clai 50 and 564, Grosse Pointe (Townshi City of Detroit, Wayne County, Michig as recorded in Liber 17, Page 93, Plr Wayne County Records;

Be and the same is hereby vacated a public alley and is hereby converted i a private easement for public utilities the full width of the alley, which easem shall be subject to the following covea and agreements, uses, reservations a regulations, which shall be observed the owners of the lots abutting on s alley and by their heirs, executors, adri strators and assigns, forever to wit:

First, said owners hereby grant to a for the use of the public an easement right-of-way over said vacated public ai herein above described for the purpos of maintaining, installing, repairi removing, or replacing public utilities su as water mains, sewers, gas lines mains, telephone, electric light conduits poles or things usually placed or instal in a public alley in the City of Detroit, v the right to ingress and egress at any ti to and over said easement for the p pose above set forth.

Second, said utility easement or rig of-way in and over said vacated ai herein above described shall be fore accessible to the maintenance a inspection forces of the utility compani or those specifically authorized by the for the purpose of inspecting, installi maintaining, repairing, removing, replacing any sewer, conduit, water ma gas line or main, telephone or light pole any utility facility placed or installed in utility easement or right-of-way. The ut companies shall have the right to cross use the driveways and yards of the adji ing properties for ingress and egress any time to and over said utility easem with any necessary equipment to perfic the above mentioned tasks, with understanding that the utility compan shall use due care in such crossing use, and that any property damaged the utility companies, other than t specifically prohibited by this resoluti shall be restored to a satisfactory cor tion,

Third, said owners for their heirs a assigns further agree that no buildings structures of any nature whatsoa including, but not limited to, concr slabs or driveways, retaining or partit walls, (except necessary line fence; s fence and gate installations shall be s ject to the review and approval of the F Marshal and Buildings and Saf Engineering Department, if necessa shall be built or placed upon said ea ment, nor change of surface grade ma without prior approval of the City Eng eering Division — DPW,

Fourth, that if the owners of any l abutting on said vacated alley st request the removal and/or relocation any existing poles or other utilities in s easement, such owners, shall pay costs incidental to such removal and relocation, unless such charges , waived by the utility owners,

Fifth, that if any utility located in s property shall break or be damaged a result of any action on the part of s owners or assigns (by way of illustrat but not limitation) such as storage excessive weights of materials or c struction not in accordance with Sect 3, mentioned above; then in such ev said owners or assigns shall be liable all costs incidental to the repair of s broken or damaged utility; and further

Provided, That if it becomes necess to remove the paved alley return(s) their entrance(s) (into Waveney and Cincinnati Avenues), such removal a construction of new curb and sidew shall be done under City permit a inspection according to City Engineer Division — DPW specifications with costs borne by the owner(s) of Cadieux Cafe properties, their heirs assigns; and further

Provided, That the City Clerk shall w in 30 days record a certified copy of t resolution with the Wayne Cou Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland Cockrel, Everett, Hill, Hood, Ray Scott, Tinsley-Williams, and Presid Mahaffay — 9.

Nays — None.

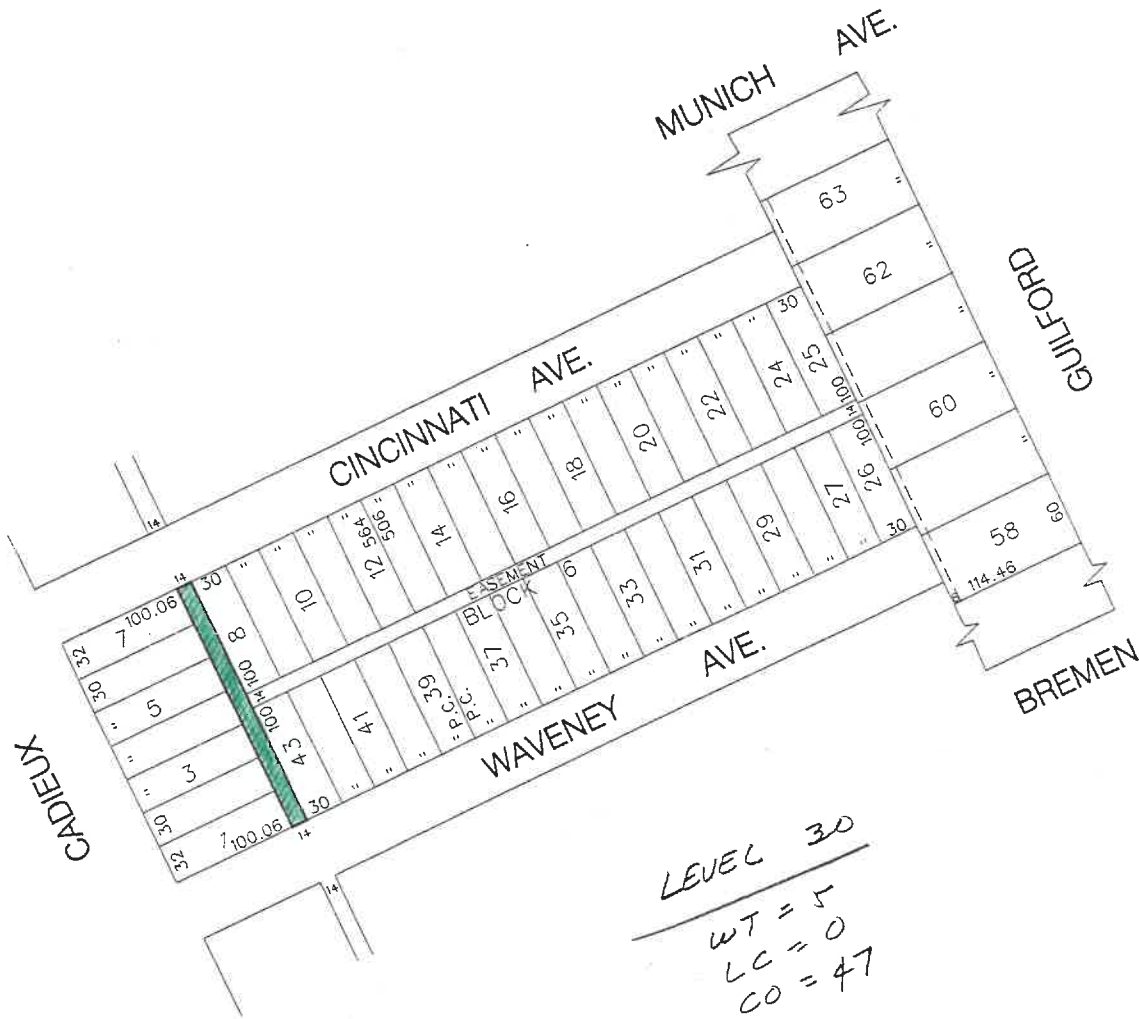
70-F

JAN. 8, 1997

J.C.C. Pgs. 45-46

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1957
E
EVIS
IO.: 313-882-8560



REQUESTED CONVERSION TO EASEMENT

REUND SUB'N

95

CARTO. NO. 70-F
SCALE: 1"=100'

(FOR OFFICE USE ONLY)

				REQUESTED CONVERSION TO EASEMENT OF THE N/S PUBLIC ALLEY 14 FT. WD. EAST OF CADIEUX AVE. AND BTWN. WAVENEY.	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
DRWN	CHKD	APPD	DATE		JOB NO.	01-01
CHECKED					DRWG. NO.	X1957.DGN
APPROVED						