

Department of Public Works
City Engineering Division
March 21, 1997

Honorable City Council:

Re: Petition No. 2452 Mohamad Rida
(together with Marathon Oil
Company) Alley to Easement easterly
half of the east-west public alley in
the block bounded by Livernois,
Dragoon, Fort and the Fisher
Freeway; also requesting permission
to maintain an existing underground
motor fuel piping system encroaching
across the alley

Petition No. 2452 of "Mohamad Rida
(together with Marathon Oil Company)"
requests the conversion of the easterly
half of the east-west public alley, 18 feet
wide, in the block bounded by Livernois
and Dragoon Avenues, W. Fort Street and
the Fisher Freeway into a private ease-
ment for public utilities; also to maintain an
existing underground motor fuel piping
system encroaching across the (converted)
public alley.

The petition was referred to the City
Engineering Division - DPW [by the
Planning and Development Department
on February 18, 1997] for investigation
(utility review) and report. This is our
report:

The enforcement of fire safety regula-
tions and building codes are the responsi-
bility of the Fire Marshal and Buildings and
Safety Engineering Department. However,
the Fire Marshal and Buildings and Safety
Engineering Department reported no
objections to the maintenance of an exist-
ing underground motor fuel piping system.

The petitioner plans to use the paved
alley return entrance (into Dragoon
Avenue) and requests such remain in its
present status. The abutting property
owner(s) shall pay all incidental removal
costs whenever discontinuance of use
makes removal necessary.

Provisions protecting the facilities of the
Ameritech/Michigan Bell Telephone Com-
pany, Detroit Edison Company, Public
Lighting Department, and the Water and
Sewerage Department are incorporated
into the resolution.

All other 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. Should damages to utilities
occur Mohamad Rida and/or Marathon Oil
Company shall be liable for all incidental
repair costs and waives all claims for dam-
ages to the encroaching installations.

I am recommending adoption of the
attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI,
City Engineer

By Council Member :

RESOLVED, The City Engineering Divi-
sion - DPW is hereby authorized and
directed to issue permits to "Mohamad
Rida and/or Marathon Oil Company" to
maintain all that part of an existing under-
ground motor fuel piping system
encroaching across the easterly portion of
the east-west (converted public) alley, 18
feet wide, in the block bounded by
Livernois and Dragoon Avenues, W. Fort
Street and the Fisher Freeway, abutting
property described (in part) as follows:

The western 142.00 feet of Lot 56
(except that part taken for the Fisher
Freeway Service Drive), and Lots 57 thru
62 of "Daniel Scottan's Resubdivision of
Lots 122, 125 126, 655 and 845 and of
Alley of Daniel Scottan's Resubdivision of
Private Claim 32 and the East part of
Private Claim 268 lying between Fort
Street and Dix Avenue," City of Detroit,
Wayne County, Michigan as recorded in
Liber 17, Page 41, Plats, Wayne County
Records:

Encroachment to consist of part of an
existing underground motor fuel piping
system encroaching across the easterly
portion of the east-west (converted public)
alley, 18 feet wide, in said block, abutting
the above described lots;

PROVIDED, The petitioner, Mohamad
Rida and/or Marathon Oil Company, shall
make application to the Buildings and
Safety Engineering Department for a
building permit. All costs for plan review,
inspection, and permits shall be paid by
Mohamad Rida and/or Marathon Oil
Company; and further

PROVIDED, If the public sewer and/
or overhead utility wires located (or to be
located) in said (converted public) alley
shall break, causing damage to any pri-
vately-owned construction, property or
materials, the petitioner, "Mohamad Rida
and/or Marathon Oil Company", or their
assigns [by acceptance of permits for con-
struction over or near the public sewer
and/or overhead utility wires] waives all
claims for damages to the encroaching
installations and agree to pay the costs
incurred in their removal, if removal
becomes necessary; and further

PROVIDED, If the public sewer and/or
overhead utility wires located (or to be
located) in said (converted public) alley
shall break or be damaged as a result of
any action on the part of "Mohamad Rida
and/or Marathon Oil Company" or their
assigns (by way of illustration but not limi-
tation, such as storage of excessive
weights of materials, or any construction
not in accordance with Provisions 1 and 2
above), then the petitioner, "Mohamad
Rida and/or Marathon Oil Company", or
assigns shall be liable for all costs inci-
dental to the repair of the broken or dam-
aged public sewer and/or overhead utility
wires. "Mohamad Rida and/or Marathon
Oil Company" and assigns shall be liable
for all claims, damages, and/or expenses
resulting from their action(s); and further

PROVIDED, "Mohamad Rida and/or
Marathon Oil Company" (at the time of
obtaining said permits) shall file with the
Finance Department an indemnity agree-
ment approved by the Law Department,
saving and protecting the City of Detroit
from any and all claims, damages or
expenses that may arise by reason of the
issuance of said permits and the faithful or
unfaithful performance by the permittee
of the terms thereof, and in addition to pay all
claims, damages or expenses that may
arise out of the maintenance of part of an
existing underground motor fuel piping
system encroachment across and

beneath a (converted public) alley; and
further

PROVIDED, "Mohamad Rida and/or
Marathon Oil Company" shall apply to and
become a participating member of the
"Miss Dig" organization; and further

PROVIDED, The (encroachment part of
this) resolution is revocable at the will,
whim or caprice of the City Council, and
permittee hereby waives any right to claim
damages or compensation for removal of
encroachment(s), and further, that the per-
mittee acquires no implied or other privi-
leges hereunder not expressly stated
herein; and further

PROVIDED, The maintenance of part of
an existing underground motor fuel piping
system [encroaching within the (converted
public) alley; said installation requires the
filing of an indemnity agreement and/or
the securing of the necessary permit(s)]
referred to herein shall be construed as
acceptance of this resolution by the per-
mittee, "Mohamad Rida and/or Marathon
Oil Company"; and further

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PROVIDED, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and be it further

RESOLVED, All that part of the east-west public alley, 18 feet wide, in the block bounded by Livernois and Dragoon Avenues, W. Fort Street and the Fisher Freeway lying southerly of and abutting the south line of the western 142.00 feet of Lot 56; also lying northerly of and abutting the north line of western 24.00 feet of Lot 57, the eastern 3.00 feet of Lot 62, and Lots 58 thru 61 of "Daniel Scotten's Resubdivision of Lots 122, 125, 126, 655 and 845 and of Alley of Daniel Scotten's Resubdivision of Private Claim 32 and the East part of Private Claim 268 lying between Fort Street and Dix Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 17, Page 41, Plats, Wayne County Records;

Be and the same is hereby vacated as (part of 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; also except the part of an existing underground motor fuel piping system as referenced above in the encroachment portion of this resolution, including related construction that may be required by the Water and Sewerage Department (PLD), Detroit Edison Company (DE Co.) and/or Ameritech/Michigan Bell Telephone Company (AMBT Co.) designed to prevent damage to the public sewer and/or overhead utility wires] shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

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FOURTH, that if the owners of any lot 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 the 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 6 mentioned above, then in such event said owners or assigns shall be liable for the 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 to the entrance (into Dragoon Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division - DPW specification, 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:

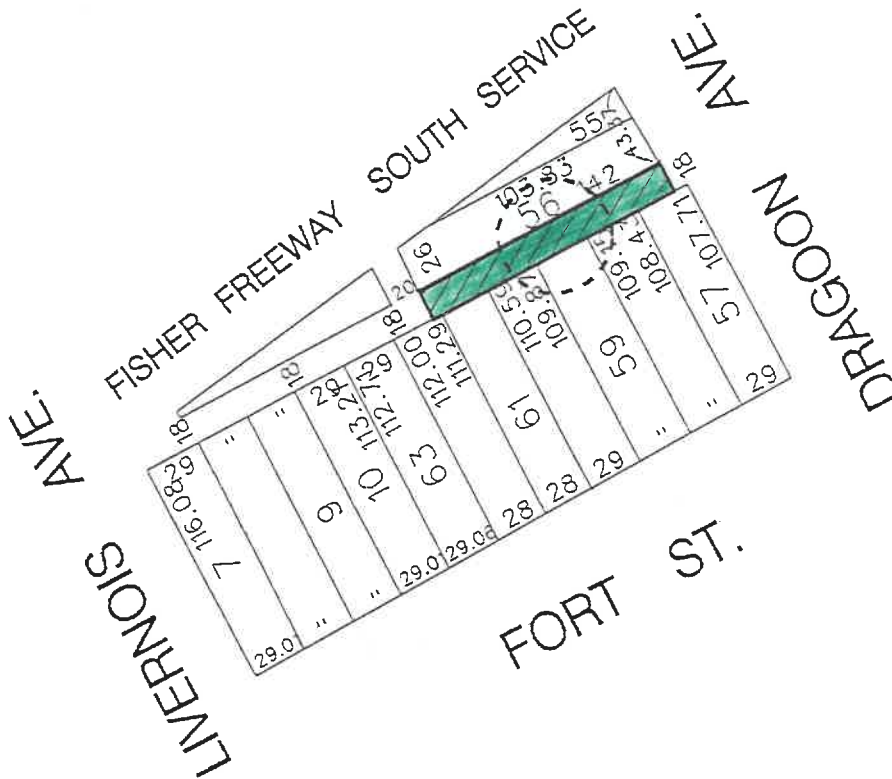
Yeas — Council Members Cleveland Cockrel, Everett, Hill, Hood, Ravitz, Scott Tinsley-Williams and President Mahaffey

— 9.

Nays — None.

3/26/97
J.C.C. 1792
670-672

JN NO. 2452
 AMED RIDA
 00 DIXIE HWY.
 10 BEA SCHUZE -
 PHONE NO. 810.620.0070 EXIT. 101
 FAX NO. 810.620.0071



REQUESTED CONVERSION TO EASEMENT



AREA OF EXISTING U.G. FUEL PIPE
 ENCROACHMENTS SEE ATTACH DRAWING
 FOR DETAILS

"DANIEL SCOTTEN'S RESUB'N"

3

CARTO. NO. 11-E
 SCALE 1"=100'

(FOR OFFICE USE ONLY)

B						REQUEST TO MAINTAIN EXISTING ENCROACHMENT ; ALSO, REQUESTED CONVERSION TO EASEMENT OF A PORTION OF THE E/W 18 FT. WD. PUBLIC ALLEY BLOCKS BOUNDED BY LIVERNOIS, DRAGON, FORT, AND FISHER FREEWAY	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A							JOB NO. 01-10	
DESCRIPTION		DRWN	CHKD	APPD	DATE		DRWG. NO. X2452.DGN	
DRAWN BY		CHECKED						
DATE		APPROVED						