

By Council Member Cockrel:

RESOLVED, The City Engineering Division - DPW is hereby authorized and directed to issue permits to "Kline-Dexter, LLC" at 12707 Dexter, Detroit, Michigan to close all of the north-south public alley, 20 feet wide, in the block bounded by Holmer, Dexter, Leslie and Glendale Avenues lying westerly of and abutting the west line of the vacated north 15.00 feet of Leslie Avenue (said part of public street having been previously vacated by City Council on June 5, 1996 - J.C.C. pages 1227-29); also lying westerly of and abutting the west line of Lots 113 thru 123; also lying westerly of and abutting the west line of the vacated south 15.00 feet of Glendale Avenue (said part of public street having been previously vacated by City Council on June 5, 1996 - J.C.C. pages 1227-29); also lying easterly of and abutting the east line of Lot 330; also lying easterly of and abutting the east line of the east-west public alley (18 feet wide; in the block bounded by Holmer, Dexter, Leslie and Glendale Avenues); also lying easterly of and abutting the east line of Lot 383 of "Sullivan's Dexter Boulevard Subdivision No. 1 part of Quarter Section 12, Ten Thousand Acre Tract," City of Detroit, Wayne County, Michigan as recorded in Liber 55, Page 53, Plats, Wayne County Records; on a temporary basis to expire on December 1, 2002;

PROVIDED, The petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing; and

PROVIDED, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and

PROVIDED, The property owned by the petitioner and adjoining the temporary public alley closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the alley; and

PROVIDED, No building or other structure (except necessary line fence), shall be constructed on or over the alley. The petitioner shall observe the rules and regulations of the City Engineering Division DPW. The City of Detroit retains all rights and interests in the temporarily closed public alley. The city and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the city and utility companies; and

PROVIDED, All of the petitioner's public

**Department of Public Works  
City Engineering Division**

November 13, 1997

Honorable City Council:

Re: Petition No. 2772 Kline-Dexter, LLC.

Alley to Easement; also temporary closing in the block bounded by Holmer, Dexter, Leslie and Glendale Avenues lying westerly of and abutting the west line of the vacated north 15.00 feet of Leslie Avenue (said part of public street having been previously vacated by City Council on June 5, 1996 - J.C.C. pages 1227-29); also lying easterly of and abutting the east line of Lot 330; also lying easterly of and abutting the east line of the east-west public alley (18 feet wide; in the block bounded by Holmer, Dexter, Leslie and Glendale Avenues). [NOTE: City Council previously vacated parts of Glendale and Leslie Avenues (June 5, 1996 - J.C.C. pages 1227-29) to construct an "Arbor Drugs" at 12707 Dexter Avenue. This petition secures the site.]

The requests were approved by 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 Ameritech/Michigan Bell Telephone Company, Comcast Cablevision, Detroit Edison Company, Water and Sewerage Department, and Public Lighting Department reported facilities in the public alleys. All other city departments and privately owned utility companies reported no objections to the requested public alley closings. Provisions to protect utilities (in the east-west public alley) are part of the vacating resolution.

The city retains all rights and interests in the temporary closed (north-south) public alley. City departments and private utility companies retain their access rights in the temporarily closed public alley. Utilities can impose specific conditions to insure unimpeded 24-hour-per-day access.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division-DPW

WED

**A P P E A R I N G   H E R E**

property fence and gate installation(s) shall be subject to the review and approval of the City Engineering Division - DPW (if necessary, in conjunction with Traffic Engineering Division - DPW and Buildings & Safety Engineering Department); and

PROVIDED, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

PROVIDED, This resolution does not permit the storage of materials, display of merchandise, or advertising signs within the temporarily closed public alley. Further, the placement of materials, merchandise, or advertising signs on any adjacent berm area is prohibited. It is the intent of this provision to prohibit private advertising within public rights-of-way, but not signs conforming to the current Michigan Manual of Uniform Traffic Control Division; and

PROVIDED, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division - DPW by the petitioner at the petitioner's expense; and

PROVIDED, This resolution is revocable at the will, whim or caprice of the City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

PROVIDED, This (temporary public alley closing) permit shall not be assigned or transferred without the written approval of the City Council; and be it further

RESOLVED, All of the east-west public alley, 18 feet wide, in the block bounded by Holmer, Dexter, Leslie and Glendale Avenues lying southerly of and abutting the south line of Lots 330 thru 344; also lying northerly of and abutting the north line of Lots 383 thru 369 of "Sullivan's Dexter Boulevard Subdivision No. 1 part of Quarter Section 12, Ten Thousand Acre Tract," City of Detroit, Wayne County, Michigan as recorded in Liber 55, Page 53, 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 of right-of-way over said vacated public alley herein above described for the purpose of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines, telephones, electric light conduits, 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 of 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, any utility facility placed or installed in a utility easement of right-of-way. The utility companies shall have the right to cross the driveways and yards of the adjoining properties for ingress and egress 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 and 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 assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or concrete walls, (except necessary line fence, gate 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 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 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 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 to the entrance (into Holmer Avenue), 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; 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, Hood, Ravitz, Scott, Tinsley-Williams, and President Pro Tem Hill - 8.

Nays - None.

NOV. 26, 1997

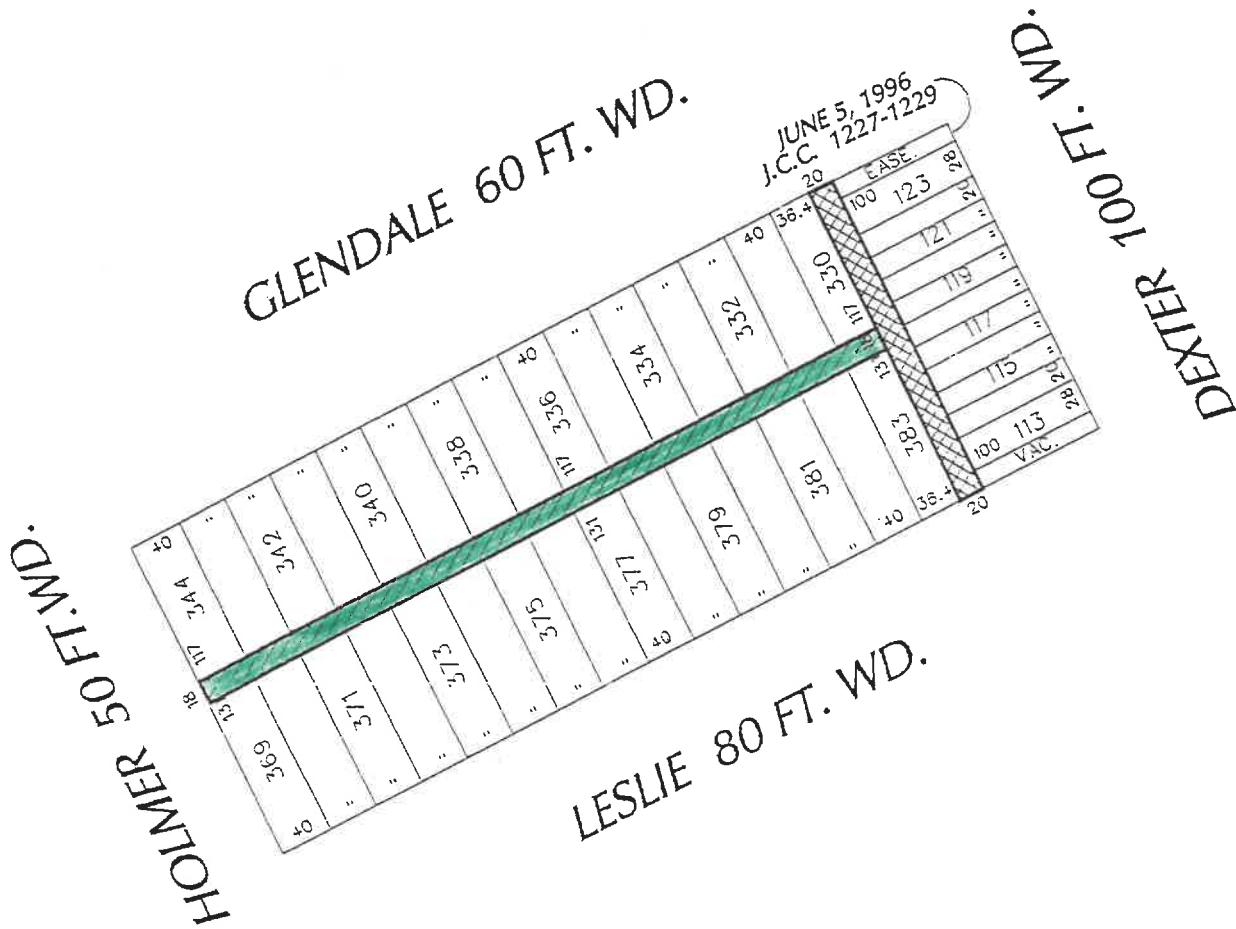
JCC pgs. 3157 - 3159

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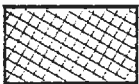
PETITION NO. DEXTER.DGN  
 KLINE-DEXTER L.L.C.  
 5060 TOWN CENTER  
 O DAN OR JEFF KLINE  
 PHONE NO. 810.350.2585  
 FAX NO. 810.350.3088



#2772



REQUESTED CONVERSION TO EASEMENT



TEMPORARY CLOSING

11-26-97  
 JCC pg 1. 3157-3159

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"SULLIVANS DEXTER BLVD. SUB'N NO. 1"

CARTO. NO. 23-C  
 SCALE NO. 1"=150'

(FOR OFFICE USE ONLY)

A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	N. PERRY		CHECKED		
DATE	10-24-96		APPROVED		

REQUESTED CONVERSION TO EASEMENT THE E/W 18 FT. WD. PUBLIC ALLEY AND TEMPORARY CLOSING OF THE N/S 20 FT. WD. PUBLIC ALLEY IN THE BLOCK BOUNDED BY DEXTER, HOLMER, LESLIE AND GLENDALE.

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