

Department of Public Works
City Engineering Division
May 2, 1997

Honorable City Council:

Re: Petition No. 2830, Wendy's International, Inc. Alley to Easement easterly half of east-west public alley in the block bounded by Livernois, Woodside, Grand River, and Collingwood.

Petition No. 2830 of "Wendy's International, Inc., requests the conversion of the easterly half of the east-west public alley, 15 feet wide, in the block bounded by Livernois, Woodside, Grand River, and Collingwood Avenues into a private easement for public utilities.

The requested conversion was 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 petitioner plans to use the paved alley return entrance (into Woodside Avenue) and requests such remain in its present status. "Wendy's International, Inc." 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 in to 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 Everett:

Resolved, All that part of the east-west public alley, 15 feet wide, in the block bounded by Livernois, Woodside, Grand River, and Collingwood Avenues lying southerly of and abutting a southwestern line of Lots 71 and 72; also lying northerly of and abutting the north line of the western 6.42 feet of Lot 8, the eastern 6.63 feet of Lot 13, and Lots 9 thru 12 of "Frank G. Reaume and Othmar Gschwind's Subdivision of a part of Fractional Section 34, Town 1 South, Range 11 East, Greenfield (Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 15, Page 79, 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 purpose 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 in-

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spection 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; 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 at the entrance (into Woodside 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; 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.

PETITION NO. 2830
 WENDY'S INTERNATIONAL INC.
 29777 TELEGRAPH
 C/O MICHEAL F. MINNICH
 PHONE NO. 810.352.7900
 FAX NO. 313.592.0403



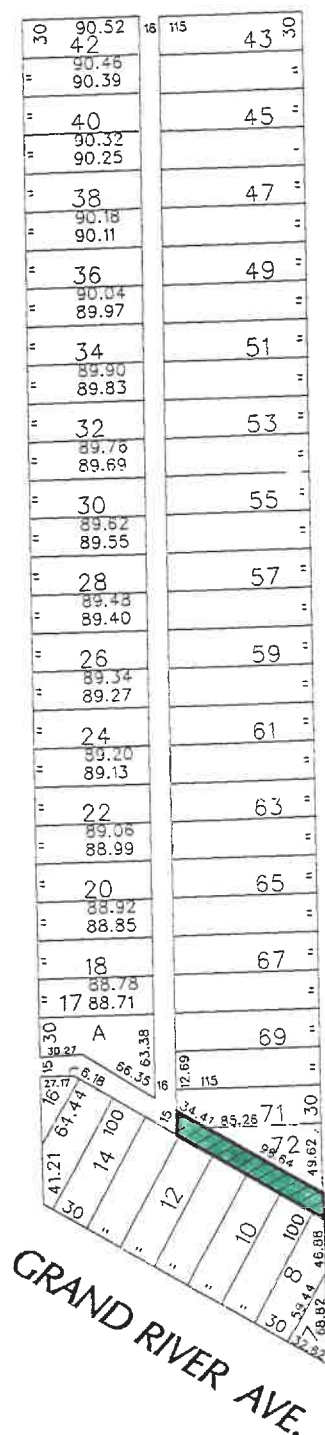
COLLINGWOOD AVE.

LIVERNOIS AVE.

WOODSIDE AVE.



REQUESTED CONVERSION TO EASEMENT



GRAND RIVER AVE.

"REAUME & GSCHWIND'S SUB'N"

(FOR OFFICE USE ONLY)

CARTO. NO. 16-A
 SCALE NO. 1"=150'

DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS				
DRAWN BY	CHECKED			
N. PERRY				
DATE	APPROVED			
12-11-96				

REQUESTED CONVERSION TO EASEMENT
 A PORTION OF THE E/W 15 FT. WD. PUBLIC
 ALLEY BOUNDED BY WOODSIDE, LIVERNOIS,
 GRAND RIVER AND COLLINGWOOD.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X2830.DGN

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