

(10. 9) per motions before adjournment.

Department of Public Works
City Engineering Division

April 3, 1997

Honorable City Council:

Re: Petition No. 2950. United House of Prayer, et al Alleys to Easement southerly half of the north-south and one east-west public alley in the block bounded by Quincy, Holmur, Joy and West Chicago.

Petition No. 2950 of "United House of Prayer, et al" requests the conversion of the southerly half of the north-south public alley and one east-west public alley, (both) 16 feet wide, in the block bounded by Quincy and Holmur Avenues, Joy Road, and West Chicago Avenue into a private easement for public utilities.

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

The petitioners plan to use the paved alley return entrances (into Quincy and Holmur Avenues) and requests such remain in their present status. The abutting property owners shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

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.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI,
City Engineer

By Council Member Ravitz:

Resolved, All of the southerly half of the north-south public alley, 16 feet wide, in the block bounded by Quincy and Holmur Avenues, Joy Road, and West Chicago Avenue lying westerly of and abutting the west line of Lots 34 thru 49; also lying easterly of and abutting the east line of Lots 50 thru 65 of "Lewis and Crofoot's Subdivision on Quarter Section 32 of the Ten Thousand Acre Tract in Greenfield (Township), Town 1 South, Range 11 East," City of Detroit, Wayne County, Michigan as recorded in Liber 22, Page 70, Plats, Wayne County Records; also

All of the east-west public alley, 16 feet wide, first north of Joy Road between Quincy and Holmur Avenues lying southerly of and abutting the south line of Lot 49; also lying southerly of and abutting the south line of the southerly half of the north-south public alley (16 feet wide; in the block bounded by Quincy and Holmur Avenues, Joy Road, and West Chicago Avenue); also lying southerly of and abutting the south line of Lot 50; also lying northerly of and abutting the north line of Lots 8 thru 14 of "Lewis and Crofoot's Subdivision on Quarter Section 32 of the Ten Thousand Acre Tract in Greenfield (Township), Town 1 South, Range 11

East, City of Detroit, Wayne County, Michigan as recorded in Liber 22, Page 70, 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 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 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 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 alleys 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; 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 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 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 returns at their entrances (into Quincy and/or Holmur Avenues), 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 owners, 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, Hood, Ravitz, Scott, Tinsley-Williams, and President Pro Tem — 8.

Nays — None.

WAIVER OF RECONSIDERATION
(No. 9), per Motions before Adjournment.

April 9, 1997
JCC pp.
776-778



NORTH
WEST CITY OF DETROIT
CORPORATE SEAL



SCALE: 1" = 150'
CARTO. NO. 22-C
LEWIS & CROFOOT'S SUB'N

5						
A						
DESCRIPTION		DRWN	CHKD	APPD	DATE	
REVISIONS						
DRAWN BY		CHECKED				
N.PERRY						
DATE		APPROVED				
02-24-97						

JOB NO.	01-01
DRWG. NO.	X2950.DGN