

SEPT. 10, 1997
JCC pgs. 2333 - 2334

Department of Public Works
City Engineering Division

August 28, 1997

Honorable City Council:

Re: Petition No. 2962. Williams Chapel Church Alley to Easement south part of north-south public alley west of Elmwood, between Benson and Heidelberg.

Petition No. 2962 of "Williams Chapel Church" requests the conversion of a southern part of the north-south public alley, 20 feet wide, west of Elmwood Avenue between Benson and Heidelberg Streets 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 requested alley closing was approved by Planning and Development Department, Solid Waste Division-DPW, and Traffic Engineering Division-DPW.

The petitioner plans to use the paved alley return entrance (into Benson Street) and requests such remain in its present status. The petitioner 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. 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 Cockrel:

Resolved, All of a southern part of the north-south public alley, 20 feet wide, west of Elmwood Avenue between Benson and Heidelberg Streets lying westerly of and abutting the west line of the south 6.72 feet of Lot 4, and Lots 5 thru 7; also lying easterly of and abutting the east line of Lot 8 of "Ward's Subdivision of part of the B. Chapoton Farm between Berlin and Heidelberg Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 69, 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 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; 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 Benson Street), 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, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.

Nays — None.

PETITION # 2962
WILLIAMS CHAPEL CHURCH
3100 ELMWOOD ST.
DETROIT MI. 48207-2419
CO: WELTON WILLIAMS-PASTOR
PHONE: (313) 579-0875
FAX: (313) 579-2582

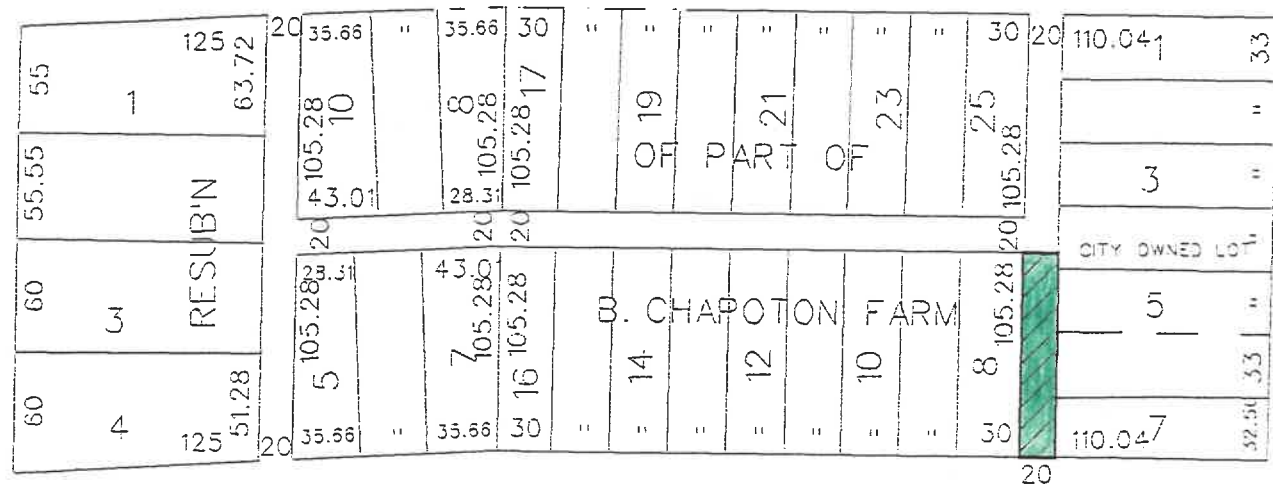


REVISED!!!

HEIDELBERG 50 FT. WD.

MC DOUGALL 80 FT. WD.

ELMWOOD 60 FT. WD.



BENSON 50 FT. WD.

NOTE: CHANGE FROM OUTRIGHT VACATION TO
REQUESTED UTILITY EASEMENT- NO REMOVAL
OF PUBLIC UTILITIES AS PER LETTER DATED 5/2/97.

 REQUESTED CONVERSION TO EASEMENT

CARTO. MAP # 39A
SCALE 100'-1"

55

OF PART OF B. CHAPOTON FARM SUBN.

(FOR OFFICE USE ONLY)

B					
A	VAC. TO EASE.	NP			597
REVISIONS					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
DRAWN BY	CHECKED				
M. TILLMAN					
DATE	APPROVED				

REQUESTED CONVERSION TO EASEMENT
HALF OF THE NS PUBLIC ALLEY BLOCK
BOUNDED BY BENSON, HEIDELBERG,
ELMWOOD AND MCDOUGALL

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