

Department of Public Works
City Engineering Division

November 25, 1997

Honorable City Council:

RE: Petition No. 2998 Starr
Commonwealth Alley to Easement
westerly part of the east-west public
alley in the block bounded by
Cloverlawn, Roselawn, Joy Road
and Stawell.

Petition No. 2998 of "Starr
Commonwealth" requests the conversion
of a westerly part of the east-west public
alley, 20 feet wide, in the block bounded
by Cloverlawn and Roselawn Avenues,
Joy Road and Stawell Avenue into a pri-
vate easement for public utilities.

The alley closing was approved by
Planning and Development Department,
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:

Starr Commonwealth plans to use the
paved alley return entrance (into
Cloverlawn Avenue) and requests such
remain in its present status. Starr
Commonwealth 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 that part of a westerly
portion of the east-west public alley, 20
feet wide, in the block bounded by
Cloverlawn and Roselawn Avenues, Joy
Road and Stawell Avenue lying southerly
of and abutting the south line of Lot 374;
also lying northerly of and abutting the
north line of Lots 375 thru 380 of "M-P-C
Mayflower Subdivision of part of the East
Half of the Southwest Quarter of Section
33, Town 1 South, Range 11 East,
(Greenfield Township)" City of Detroit,
Wayne County, Michigan as recorded in
Liber 54, Page 14, 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, admin-
istrators 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 pur-
pose above set forth.

SECOND, said utility easement or right-
of-way in and over said vacated alley here-
in above described shall be forever acces-
sible to the maintenance and inspection
forces of the utility companies, or those
specifically authorized by them, for the
purpose of inspecting, installing, maintain-
ing, 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 com-
panies 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 under-
standing 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 sub-
ject to the review and approval of the Fire
Marshal and Buildings and Safety
Engineering Department, if necessary)
shall be built or placed upon said ease-
ment, 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 con-
struction 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 Cloverlawn Avenue), such
removal and construction of new curb and
sidewalk shall be done under city permit
and inspection according to City
Engineering Division - DPW specifica-
tions with all costs borne by the abutting
owner(s), their heirs or assigns; and fur-
ther

Provided, That the City Clerk shall with-
in 30 days record a certified copy of this
resolution with the Wayne County
Register of Deeds.

Adopted as follows:

Yeas — Council Members Cockrel,
Everett, Hill, Hood, Ravitz, Scott, Tinsley-
Williams, and President Mahaffey — 8.

Nays — None.

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JEC pgs
3255-3256
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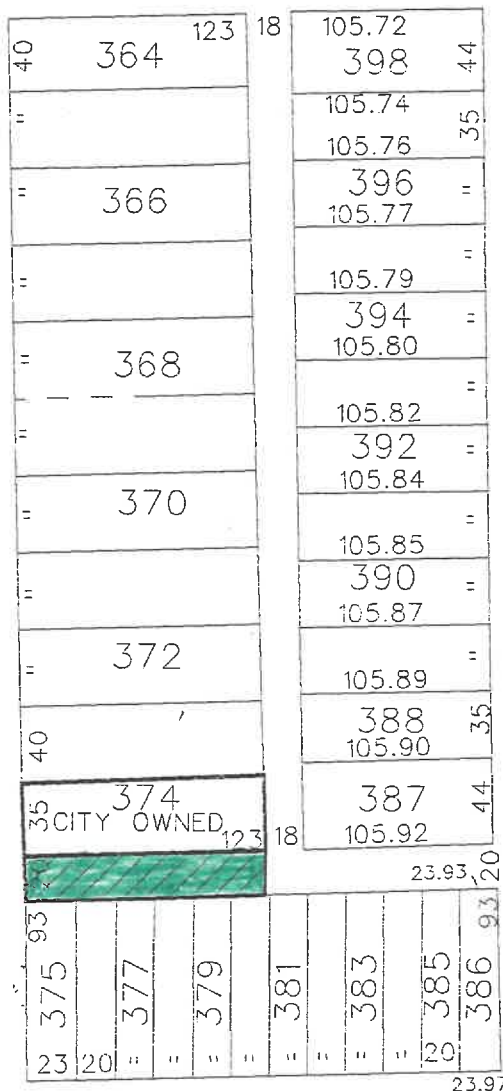
PETITION NO. 2998
 STARR COMMWEALTH
 8222 JOY ROAD
 C/O MELANINE SIMMS
 PHON NO. 517-629-2317



STAWELL 60 FT. WD.

CLOVERLAWN 60 FT. WD.

ROSELAWN 75 FT. WD.



JOY ROAD 58 FT. WD.



REQUESTED CONVERSION TO EASEMENT

2

CARTO. NO. 7-E
 SCALE: 1"=100'

(FOR OFFICE USE ONLY)

A						REQUESTED CONVERSION TO EASEMENT A PORTION THE EW 20 FT. WD. PUBLIC ALLEY BND. BY ROSELAWN, CLOVERLAWN, JOY ROAD AND STAWELL.		CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
DESCRIPTION		DRWN	CHKD	APPD	DATE			JOB NO. 01-01	
DRAWN BY		N. PERRY				CHECKED		DRWG. NO. X2998.DGN	
DATE		04-15-97				APPROVED			