

Re: Petition No. 717 of "First Behula Baptist Church Alleys to Easement in the block bounded by Galster, Moran, Garfield, and E. Forest

Petition No. 717 of "First Behula Baptist Church" requests the conversion of an east-west public alley, 18 feet wide; also two north-south public alleys, (both) 18 feet wide in the block bounded by Galster Street, Moran, Garfield, and E. Forest 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 Garfield Avenue) and requests such remain in its present status. "First Behula Baptist Church" 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 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 City

Engineering Division-DPW

By Council Member Everett:

Resolved, All that part of an east-west public alley, 18 feet wide, in the block bounded by Galster Street, Moran, Garfield, and E. Forest Avenues lying southerly of and abutting the south line of Lot 8; also lying southerly of and abutting the south line of a north-south public alley (18 feet wide; in the block bounded by Galster Street, Moran, Garfield, and E. Forest Avenues); also lying southerly of and abutting the south line of the western 55.00 feet of Lot 5; also lying northerly of and abutting the north line of a north-south public alley (18 feet wide; in the block bounded by Galster Street, Moran, Garfield, and E. Forest Avenues); also lying northerly of and abutting the north line of Lots 9 thru 15 of "Potter's Subdivision of a part of Out Lot 31, Private Claim 182," City of Detroit, Wayne County, Michigan as recorded in Liber 19, Page 18, Plats, Wayne County Records; also

All that part of a north-south public alley, 18 feet wide, in the block bounded by Galster Street, Moran, Garfield, and E. Forest Avenues lying westerly of and abutting the west line of the southern 10.30 feet of Lot 4, and Lots 1 thru 3; also lying easterly of and abutting the east line of Lot 15 of "Potter's Subdivision of a part of Out Lot 31, Private Claim 182," City of Detroit, Wayne County, Michigan as recorded in Liber 19, Page 18, Plats, Wayne County Records; also

All that part of a north-south public alley, 18 feet wide, in the block bounded by Galster Street, Moran, Garfield, and E. Forest Avenues lying westerly of and abutting the west line of Lots 5 and 6; also lying easterly of and abutting the east line of Lots 7 and 8 of "Potter's Subdivision of a part of Out Lot 31, Private Claim 182," City of Detroit, Wayne County, Michigan as recorded in Liber 19, Page 18, Plats, Wayne County Records; also lying westerly of and abutting the west line of Lots 14 and 15; also lying easterly of and abutting the east line of Lots 12 and 13 of "Albert Breitmeyer's Subdivision of Lot 6, Southerly 16.25 feet of Lot 7, Southerly 13.60 feet of Block 11 of Mary Dowling's Subdivision of part of Private Claim 182 and Northerly 2 acres of Lot 31 of Private Claim 182," City of Detroit, Wayne County, Michigan as recorded in Liber 17, Page 18, 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 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 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 return at the entrance (into Garfield 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 Mahaffay — 9.

Nays — None.

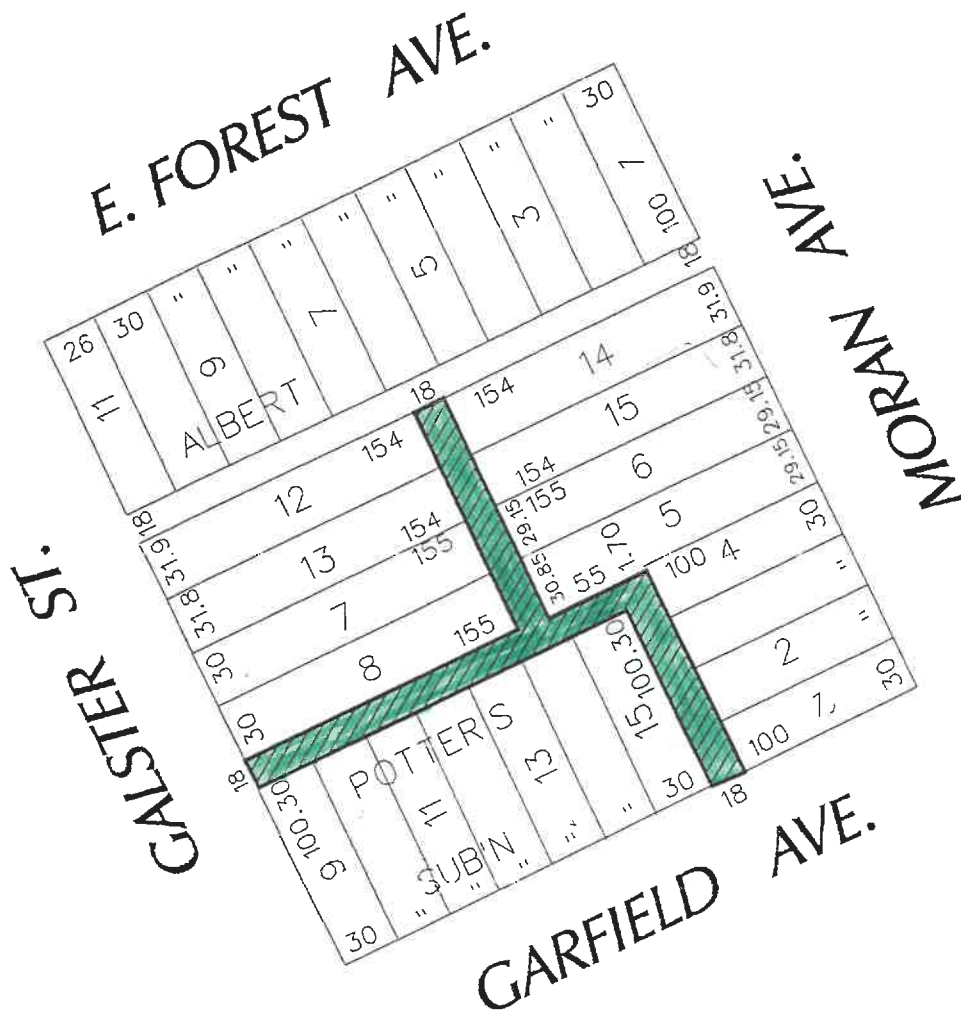
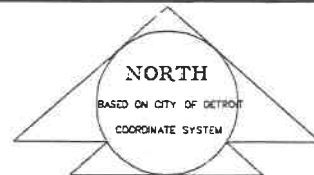
May 14, 1997

JCC pp.

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PETITION NO. 717
 FIRST BEHULA BAPTIST CHURCH
 4643 MORAN
 C/O CHARLIE KING
 PHONE : 313.372.4468



REQUESTED CONVERSION TO EASEMENT

"ALBERT BREITMEYERS SUB'N"

76

CARTO. NO. 40-F

SCALE 1"=100'

(FOR OFFICE USE ONLY)

DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS				
DRAWN BY N. PERRY				
CHECKED				
DATE 10/17/96				
APPROVED				

REQUESTED CONVERSION TO EASEMENT OF THE 18 FT. WD. PUBLIC ALLEYS BLOCK BOUNDED BY MORAN AVE., GALSTER ST., GARFIELD AVE. AND FOREST AVE.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01=01

DRWG. NO. X717.DGN