

Department of Public Works  
City Engineering Division  
December 1, 1998

Honorable City Council:

Re: Petition No. 0487-F. Matthew Ray Dickinson Wright, PLLC., requesting commercial alley closure in the area of Grand River, Telegraph and Dale street.

Petition No. 0487 of "F. Matthew Ray/Dickinson Wright, PLLC.", request the conversion of the east-west public alley, 20 feet wide, in the block bounded by Telegraph Road, Grand River Avenue, Dale and Clarita streets into a private easement for public utilities.

The petition was referred to the City Engineering Division-DPW for investigation (utility review) and report.

The alley closing is being developed by "Grand Telegraph Development, Co.", to facilitate construction of a new Arbor Drug Store.

The Detroit Water and Sewerage Department (DWSD) reports there is an existing 10" sewer in the above mentioned east-west public alley. DWSD has no objection to the requested conversion to easement provided that an easement of the full width of the alley is reserved.

The alley closing was approved by the Solid Waste Division-DPW, Traffic Engineering Division-DPW. All other involved city departments and privately owned utility companies reported no objections to the conversion of public right-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.

Respected, submitted,

SUNDAY A. JAIYESIMI

City Engineer

By Council Member S. Cockrel:

Resolved, All of the east-west public alley, 20 feet wide, in the block bounded by Telegraph Road, Grand River Avenue, Dale and Clarita streets lying southerly of and abutting the south line of lot 70; also lying northerly of and abutting the north line of lots 71 thru 77, both inclusive of "Supervisor's state subn No. 2" a resubdivision of lots 222 to 233 and 318 to 337, inclusive, and vacated alleys of Bungalohill subdivision of part of the N.E. 1/4 of Sec. 8 and part of the N.W. 1/4 of Sec. 9, Redford Twp., T. 1S., R. 10E. Wayne County Michigan, as recorded in Liber 58, Page 71, Plats, Wayne County Records;

Be and the same 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 fences; 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 weight 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 cost 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 entrances (into Telegraph and into Dale), 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, an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing and sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and further

Provided, Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment including the use of backhoes, bulldozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and further

Provided, the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide posts over its water mains at reasonable intervals and at points of deflection; 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 K. Cockrel, Jr., S. Cockrel, Hood, Scott, Tinsley-Williams, and President Hill — 6.  
Nays — None.

88

Dec. 4, 1998

pg. 1 of 1

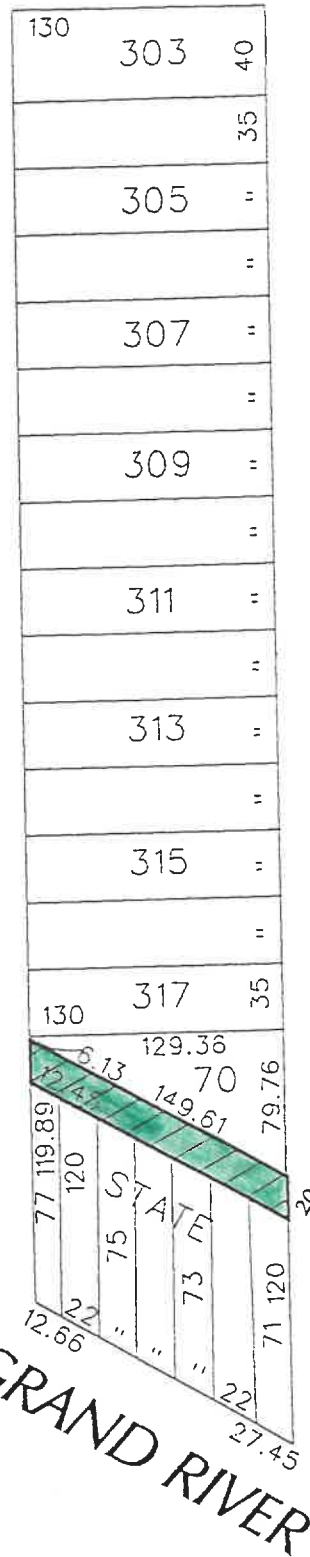
PETITION NO. 487  
 LABOR DRUGS/CVS  
 3331 W. BIG BEAVER  
 SUITE 216 TROY, MICH  
 C/O F. MATTHEW RAY, ARCHITECT  
 PHONE NO. 248.643.8993  
 FAX NO. 248.433.7274



CLARITA

TELEGRAPH

DALE



REQUESTED CONVERSION TO EASEMENT

122-B

(FOR OFFICE USE ONLY)

|           |             |      |      |      |      |
|-----------|-------------|------|------|------|------|
| A         | DESCRIPTION | DRWN | CHKD | APPD | DATE |
| REVISIONS |             |      |      |      |      |
| DRAWN BY  | N.R.P.      |      |      |      |      |
| CHECKED   |             |      |      |      |      |
| DATE      | 6.11.98     |      |      |      |      |
| APPROVED  |             |      |      |      |      |

REQUESTED CONVERSION TO EASEMENT THE E/W  
 20 FT. WD. PUBLIC ALLEY IN THE BLOCK BOUNDED  
 GRAND RIVER, CLARITA, DALE AND TELGRAPH.

89

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|-----------------------------|----------|
| CITY OF DETROIT             |          |
| CITY ENGINEERING DEPARTMENT |          |
| SURVEY BUREAU               |          |
| JOB NO.                     | 01-01    |
| DRWG. NO.                   | X487.DGN |