

Department of Public Works
City Engineering Division

April 21, 1998

Honorable City Council:

RE: Petition No. 3124 Masoud A. Shango (together with GNI Development Company, Inc. on behalf of Walgreen's Drugs) Alley to Easement east-west public alley in the block bounded by Woodbine, Telegraph, Pickford and Grand River Petition No. 3124 of "Masoud A. Shango (together with GNI Development Company, Inc. on behalf of Walgreen's Drugs)" requests the conversion of the east-west public alley, 20 feet wide, in the block bounded by Woodbine Avenue, Telegraph Road, Pickford and Grand River Avenues into a private easement for public utilities. City Council approved a Planned Development District zoning classification on November 26, 1997 (J.C.C. pages 3166-69).

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

Traffic Engineering Division - DPW approved the alley closing; subject to the written consent of all abutting property owners.

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 Engineering

By Council Member Cleveland:

Whereas, City Council approved a Planned Development District zoning classification on November 26, 1997 (J.C.C. pages 3166-69) within the block bounded by Woodbine Avenue, Telegraph Road, Pickford and Grand River Avenues; and

Whereas, Petition No. 3124 of "Masoud A. Shango (together with GNI Development Company, Inc. on behalf of Walgreen's Drugs)" requests the conversion of the east-west public alley, 20 feet wide, in the block bounded by Woodbine Avenue, Telegraph Road, Pickford and Grand River Avenues into a private easement for public utilities; therefore be it

RESOLVED, All of the east-west public alley, 20 feet wide, in the block bounded by Woodbine Avenue, Telegraph Road, Pickford and Grand River Avenues lying southerly of and abutting the south line of Lots 89 through 97; also lying northerly of and abutting the north line of Lot 118 and Lot 119 of "Assessor's Kenmoor Resubdivision of Lots 1 to 128, 146 to 150, 179 to 182, 219 to 223, 269 to 273, 325 to 329, 390 to 393, 462 to 464," inclusive, and vacated alleys of B. E. Taylor's Kenmoor Subdivision of part of Northeast Quarter of Section 8 and Part of Southwest Quarter of Northwest Quarter of Section 9, Town 1 South, Range 10

East, lying South of Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 64, Page 73, 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 Woodbine 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 if it becomes necessary to remove the paved alley return at the entrance (into Telegraph Road as widened), such removal and construction of new curb and sidewalk shall be done under permit and inspection according to Michigan Department of Transportation 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, K. Cockrel, Jr., S. Cockrel, Hood, Scott, Tinsley-Williams; and President Pro Tem Mahaffey, — 7.

Nays — None.

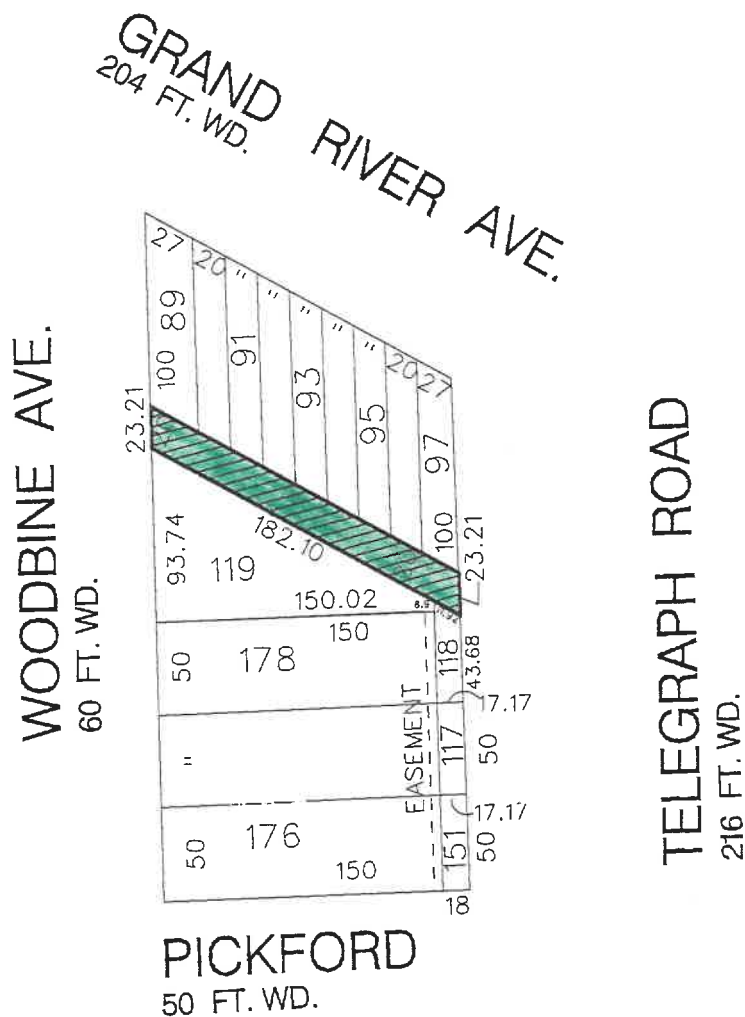
4/22/98
JCC pgs: 902 - 904

PETITION No. 3124
 MASOUD A. SHANGO
 7454 TIMBERS EDGE
 W. BLOOMFIELD, MI. 48322

PHONE: (313) 513-7270



DRAWING REVISED:
 (APRIL 20, 1998)



REQUESTED CONVERSION
 TO EASEMENT

CARTO# 122-C

ASSESSORS KENMOOR
 RESUBDIVISION

SCALE: 100' = 1 INCH

90

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	LGS	CHECKED	JDF		
DATE	8/1/97	APPROVED			

REQUESTED CONVERSION TO EASEMENT
 OF THE EW 20 FT. WD. PUBLIC ALLEY IN
 THE BLOCK BOUNDED BY WOODBINE AVE.,
 TELEGRAPH, PICKFORD & GRAND RIVER

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X3124.DGN