

4/29/98

VCC pp. 975-976

Department of Public Works
City Engineering Division
April 21, 1998

Honorable City Council:

Re: Petition No. 3500. Metry-Lawn Landscaping, et al. Alley to Easement east-west public alley in the block bounded by Nottingham, Somerset, Mack and Brunswick.

Petition No. 3500 of "Metry-Lawn Landscaping, et al" requests the conversion of the east-west public alley, 16 and 20 feet wide, in the block bounded by Nottingham, Somerset, Mack and Brunswick Avenues 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:

Solid Waste Division — DPW, and Traffic Engineering Division — DPW approved the public alley closing.

The petitioner(s) plan to use the paved alley return entrances (into Nottingham and Somerset Avenues) and requests such remain in their present status. The abutting owner(s) 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

City Engineering Division — DPW

By Council Member S. Cockrel:

Resolved, All of the east-west public alley, 16 and 20 feet wide, in the block bounded by Nottingham, Somerset, Mack and Brunswick Avenues lying southerly of and abutting the south line of Lot 3; also lying northerly of and abutting the north line of Lots 4 through 9 of "Meininger Subdivision being part of Private Claims 126 and 127," City of Detroit, Wayne County, Michigan as recorded in Liber 46, Page 47, Plats, Wayne County Records; also lying southerly of and abutting the

TUESDAY, MAY 5, 1998

IN IS SUBJECT TO

south line of the eastern 103.50 feet of Lot 11; also lying northerly of and abutting the north line of Lots 6 through 10 of "Nottingham Subdivision of part of Private Claims 126 and 127 between Mack and Harper Avenues, Gratiot and Grosse Pointe Townships," City of Detroit, Wayne County, Michigan as recorded in Liber 38, Page 26, 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 entrance(s) their entrance(s) (into Nottingham and/or Somerset Avenues); 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, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Williams, and President Hill — 9.

Nays — None.

Department of Public Works

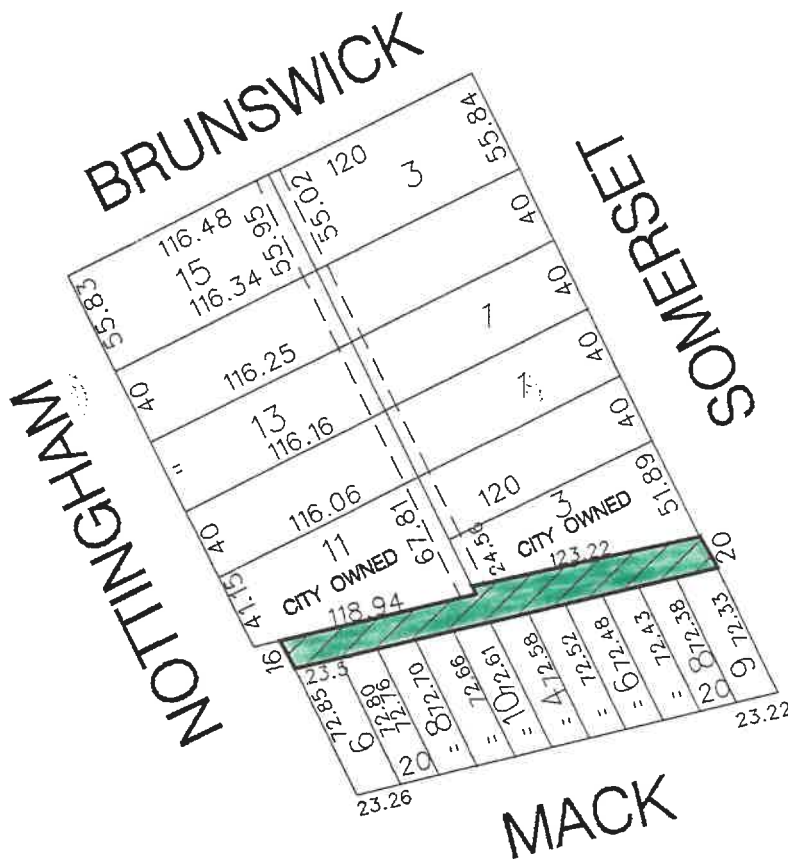
March 31, 1998

Honorable City Council:

Re: 1997-98 ACT 51 Motor Vehicle High-

68

PETITION NO. 3500
 METRY-LAWN LANDSCAPING
 15501 MACK
 C/O BRIAN METRY
 PHONE: 313-885-3410



REQUESTED CONVERSION TO EASEMENT

67

CARTO. NO. 69-C
 SCALE: 1" = 100'

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
N.PERRY					
DATE		APPROVED			
10-22-07					

REQUESTED CONVERSION TO EASEMENT
 THE E/W 20 AND 16 FT. WD. PUBLIC ALLEY
 BOUNDED BY NOTTINGHAM, SOMERSET,
 MACK AND BRUNSWICK.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X3500 DGN