

Department of Public Works
City Engineering Division

July 29, 1998

Honorable City Council:

Re: Petition No. 3662 Conner Park Florist
Alleys to Easement "L"-shaped part
of public alleys first east of Conner,
and south of Chelsea

Petition No. 3662 of "Conner Park
Florist" requests the conversion of a "L"-
shaped part of the public alleys, 18 and
20 feet wide, first east of Conner Avenue
and south of Chelsea Avenue 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 investi-
gation (utility review) and report. This is
our report:

"Conner Park Florist" plans to use the
paved alley return entrance (into Chelsea
Avenue) and requests such remain in its
present status. "Conner Park Florist" shall
pay all incidental removal costs whenever
discontinuance of use makes removal
necessary.

The city is owner in fee of part of the
public alley. Therefore, the Finance
Director must issue a deed to "Conner
Park Florist" to transfer part of the east-
west public alley.

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 Tinsley-Williams:

Resolved, All of a northerly part of the
north-south public alley, 18 feet wide, first
east of Conner Avenue, and south of
Chelsea Avenue lying westerly of and
abutting the westerly line of Lot 246; also
lying easterly of and abutting the easterly
line of the northerly 22.10 feet of Lot 245,
and Lots 241 through 244 of "Chelsea
Park Subdivision of the Northerly part of
Private Claim 11, Gratiot Township," City
of Detroit, Wayne County, Michigan as
recorded in Liber 28 of Plats; Page 85,
Wayne County Records; also

All that part of the east-west public
alley, 20 feet wide, first east of Conner
Avenue, and south of Chelsea Avenue
lying southerly of and abutting the
southerly line of Lots 246 and 247; also
lying southerly of and abutting the
southerly line of the north-south public
alley (18 feet wide, first east of Conner
Avenue, and south of Chelsea Avenue) of
"Chelsea Park Subdivision of the
Northerly part of Private Claim 11, Gratiot
Township," City of Detroit, Wayne County,
Michigan as recorded in Liber 28 of Plats,
Page 85, Wayne County Records; also
lying northerly of and abutting the northerly
line of the easterly 53.60 feet of Lot 1 of
"Gratiot Gardens Subdivision of part of
Private Claims 10 and 11, Gratiot
Township," City of Detroit, Wayne County,
Michigan as recorded in Liber 32 of Plats,
Page 14; Wayne County Records;

Be and the same are hereby vacated
as part of 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 pur-
poses 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 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 condi-
tion.

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 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 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 Chelsea 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 "Conner Park
Florist", the abutting owner(s), their heirs
or assigns; and further

Provided, That the City Clerk shall with-
in 30 days record a certified copy of this
resolution with the Wayne County
Register of Deeds; and be it further

Resolved, That the Finance Director is
hereby authorized and directed to issue a
quit-claim deed to transfer the following
vacated part of public (alley) right-of-way
to "Conner Park Florist, Inc." for the fair
market value and/or other valuable con-
siderations (description from Recorder's
Court File No. 1825; city resolution of
necessity):

Land in the City of Detroit, Wayne
County, Michigan being "All that part of
Lot 1 as platted in "Gratiot Gardens

Subdivision of part of Private Claims 10
and 11, Gratiot Township, as recorded in
Liber 32 of Plats, Page 14, Wayne County
Records; and more particularly described
as follows: Beginning at a point in the
northeasterly corner of said Lot 1; thence
along the easterly line of said Lot 1 said
line also being the westerly line of a north
and south public alley, 20 feet wide, as
now established S.35°32'E., 10.15 feet to
a point; thence along a line S.64°30'W.,
53.60 feet to a point; thence along a line
N.42°36'W., 10.45 feet to a point in the
southerly line of the east and west public
alley, 10 feet wide, as now established;
thence along said line also being the
northerly line of said Lot 1, N.64°30'E.,
54.90 feet to the place of beginning." (Said
part of lot having been deeded to the City
of Detroit for public alley purposes on
April 20, 1948 — J.C.C. page 955); con-
taining about 560 square feet or 0.0128
acre more or less; subject to a private
easement for public utilities.

Adopted as follows:

Yeas — Council Members Cleveland,
K. Cockrel, Jr., S. Cockrel, Everett, Hood,
Scott, Tinsley-Williams, and President
Hill — 8.

Nays — None.

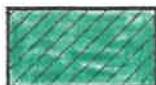
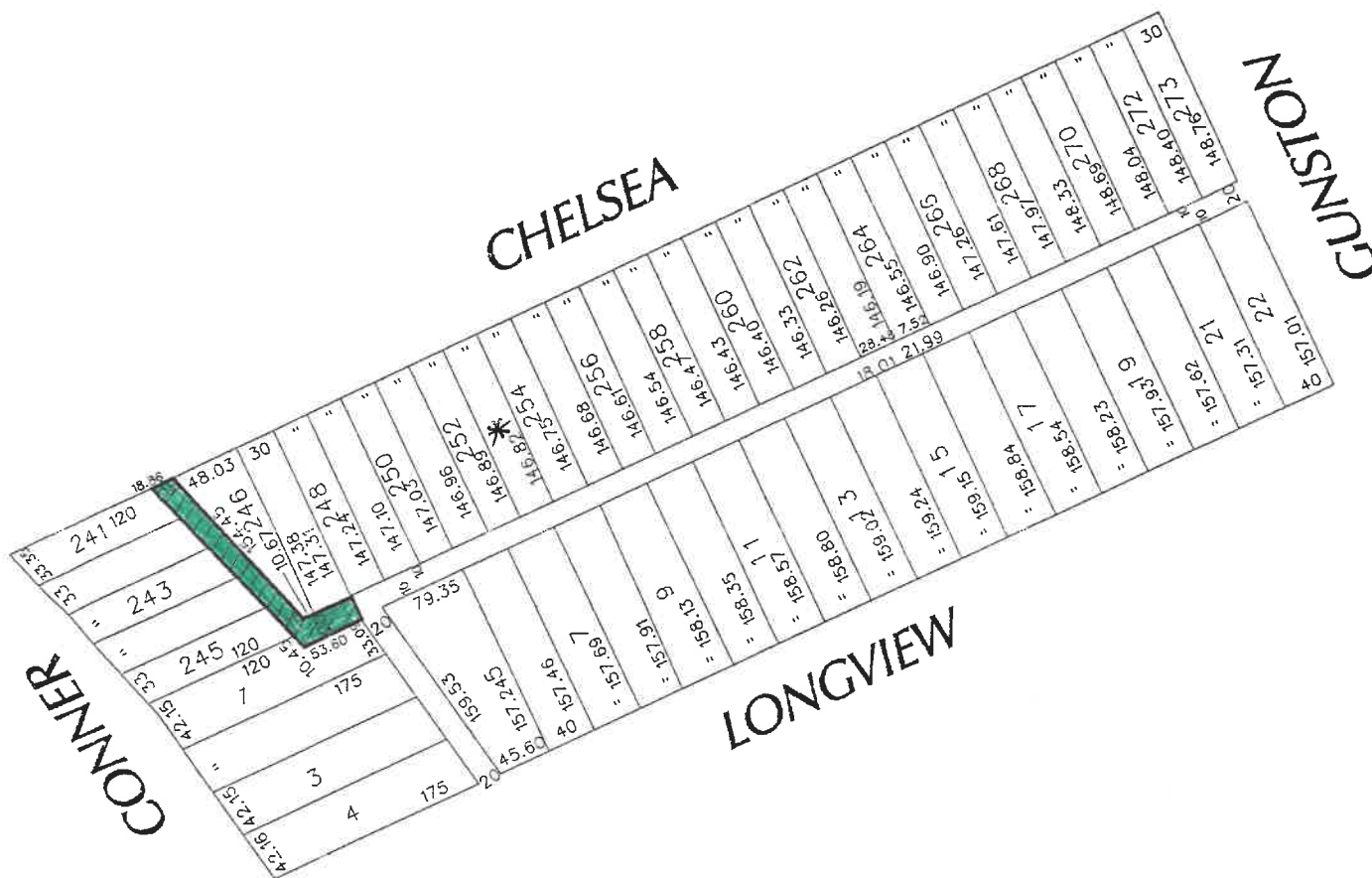
Resolution Department

Sept. 9, 1998

J.C.C. pag. 2201-02

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PETITION NO. 3662
 CONNER PARK FLORIST
 9830 CONNER
 C/O DAVID LOWIHE
 PHONE NO. 313.527.7550
 FAX NO. 313.521.0501



REQUESTED CONVERSION TO EASEMENT

CARTO. NO. 57-A

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
N. PERRY					
DATE	APPROVED				
11-24-97					

REQUESTED CONVERSION TO EASEMENT THE N/4S AND A PORTION OF THE E/4 AND 20 FT. WD. PUBLIC ALLEY BOUNDED BY CHELSEA, LONGVIEW, GUNSTON AND CONNER.

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CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X3662.DGN