

Oct. 21, 1998

J.C.C. pg.

Department of Public Works  
City Engineering Division

October 8, 1998

Honorable City Council:

Re: Petition No. 3731, Jerry Pattah, et al.  
Conversion to Easement of all the  
Public Alleys in the Block Bounded  
by Evergreen, Plainview, Joy Rd. and  
Dover (Construction of new Rite Aid  
Store).

Petition No. 3731 of "Jerry Pattah, et al" request for the conversion of both the north/south and east/west, 20 feet wide, public alleys in the block bounded by Evergreen, Plainview, Joy Rd., & Dover 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.

The purpose of this request is for the construction of a new Rite Aid store with adjacent parking lot. The Detroit Water & Sewerage Department (DWSD) reports there is an existing 18 & 20 in. sewer in the north/south alley and a existing 18 & 20 in. sewer in the east/west 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 Public Lighting Department (PLD) reports there is overhead street lighting circuit running east/west in the alley between Evergreen and Plainview. PLD has no objection to the proposed easement provided that 24 hour access to the area for crews and heavy vehicles for the maintenance of the installations are provided.

The petitioner has supplied the City Engineering Division — DPW with the signatures of consent of the taxpayers abutting the alley(s) to be converted to easement.

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

By Council Member Hood:

Resolved, All that part of the north/south, public alley, 20 feet wide, lying easterly of, and abutting the east line of lots 598-619, both inclusive, and all that part of the east/west public alley, 20 feet wide, lying northerly of and abutting the north line of lots 620-624, both inclusive, lots 438-443, both inclusive, of "Warrendale Warsaw Subdivision" of the W. 1/2 of S.W. 1/4 of Section 35, T.1.S., R.10E., Redford Township, as recorded in Liber 47, page 33, 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(s), which easement(s) 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 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(s) herein 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 task, 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 Marshall 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(s) 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 returns at the entrances (Evergreen Road, Plainview Avenue and Dover 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, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Williams, and President Hill — 9.

Nays — None.

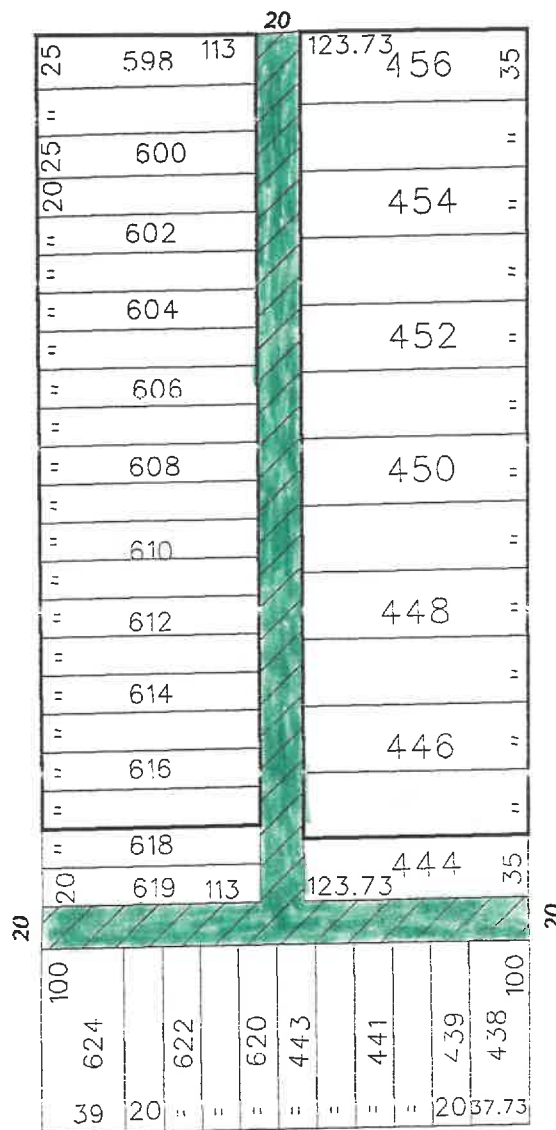
PETITION NO. 3731  
 JERRY PATAH  
 7811 GRATIOT  
 C/O JERRY PATAH  
 PHONE: 313-923-1188



# DOVER

EVERGREEN

PLAINVIEW



# JOY

NOTE: OWNERS IN HEAVY OUTLINE HAVE NOT CONSENTED TO THIS PETITION.



REQUESTED CONVERSION TO EASEMENT

CARTO. NO. 110-F

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
2-25-98					

REQUESTED CONVERSION TO EASEMENT THE  
 THE OPEN PUBLIC 20 FT. WD. ALLEYS IN THE  
 BLOCKS BOUNDED BY PLAINVIEW, EVERGREEN,  
 DOVER AND JOY.

77

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X3731.DGN