

Department of Public Works

November 30, 1998

Honorable City Council:

Re: Petition No. 520 — Cooperative Services Inc./Bagley Housing Association, et al, requesting commercial alley closure in the area of Howard, Porter, 17th and 18th Streets.

Petition No. 520 of "Cooperative Services, Inc./Bagley Housing Association, et al", request for the vacation of the north/south public alley, 20 feet wide, in the block bounded by 18th Street, 60 feet wide, 17th Street, 60 feet wide, Howard Street, 50 feet wide and Porter Street (variable width). The northerly portion of the alley is to be converted into a private easement for public utilities, and

the southerly portion is to be outright vacated in order to Develop and construct a 65 unit apartment facility for low income seniors.

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

The Detroit Edison Company does not object to the request of vacating (outright) the southerly 500 feet of the above referenced alley and converting the northerly portion of the alley to an easement. Ste. Anne's Non-Profit Housing Corporation has committed to pay Detroit Edison to remove our overhead facilities in the southerly 500 feet of the alley between 17th and 18th Streets and between Howard and Porter Streets.

The Detroit Water and Sewerage Department (DWSD) reports that there is a 15" x 20" sewer located in the subject alley which has to remain in service. However, DWSD has no objection to the proposed out-right vacation of the southerly portion of the above mentioned alley and the conversion to an easement of the northerly portion of the same alley provided that the sewer located in the southerly portion of the alley proposed to be outright vacated is relocated according to the provisions provided in this resolution.

The Public Lighting Department (PLD) reports no objection to the proposed outright vacation and conversion to easement. However, the PLD has overhead primary cables (2400 volt) and street lighting cables running north-south in the proposed alley. In order to vacate the alley, PLD will have to remove and relocate the overhead facilities. The cost of this project is estimated at \$20,000.00.

Ste. Anne's Non-Profit Housing Corporation, a subsidiary of Cooperative Services and Bagley Housing Association and owner of this project, has committed to pay the City of Detroit Public Lighting Department the costs of removing their overhead facilities.

The requested alley closing was approved by the Solid Waste Division — DPW, the Traffic Engineering Division — DPW and the Planning and Development Department.

All other involved city departments and privately owned utility companies reported no objections to the out-right vacation and the conversion to easement. 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 Tinsley-Williams:

Resolved, All of a northern part of the north-south public alley, 20 feet wide, in the block bounded by 18th Street, 17th Street, Howard Street and Porter Street lying westerly of and abutting the west line of Lots 125, 130, 133; also lying easterly of and abutting the east line of Lots 126, 129, 134 of "The Plat of Subn. of Part of Private Claim 473 known as the Stanton Farm" as recorded in Liber 47, Pages 558 and 559 of Deeds, 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 regulation, 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 the Buildings and Safety 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 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 Porter Street), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to the City Engineering Division — DPW specifications with all costs borne by "Ste. Anne's Non-Profit Housing Corporation," the abutting owner(s), their heirs or assigns; and be it further

Resolved, All of the north-south public alley, 20 feet wide, in the block bounded by 17th Street, 18th Street, Howard Street and Porter Street lying westerly of and abutting the west line of lot(s) 85, 90, 93, 98, 101, 106, 109, 114, 117, and 122; also, lying easterly of and abutting the east line of lot(s) 86, 89, 94, 97, 102, 105, 110, 113, 118, and 121 of "The Plat of Subn. of Part of Private Claim 473 known as Stanton Farm" as recorded in Liber 47, Pages 558 and 559 of Deeds, Wayne County Records;

Be and the same are hereby (out-right) vacated as a public alley to become part and parcel of the abutting property; and further

Provided, that the Petitioner (Petition No. 520) shall relocate the existing lateral sewer located in the portion of the north-south alley north of Howard between 17th and 18th Streets as required by the Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed project; and further

Provided, that the portion of the existing lateral sewer not relocated due to construction shall remain as City property and part of the City system; and further

Provided, that the plans for the lateral sewer shall be prepared by a registered engineer; and further

Provided, that DWSD be and is hereby authorized to review the drawings for the relocated lateral sewer and to issue a permit for the construction of the lateral sewer; and further

Provided, that the entire work is to be performed in accordance with the plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

Provided, that the entire cost(s) of the lateral sewer construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, that the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

Provided, that the Petitioner shall grant to the City a satisfactory easement for the relocated lateral sewer; and further

Provided, that the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; and further

Provided, that upon satisfactory completion of the lateral sewer construction, the sewer shall be city property and become part of the City system; and further

Provided, that if it becomes necessary to remove the paved alley return at the entrance (into Howard Street), 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 K. Cockrel, Jr., S. Cockrel, Hood, Scott, Tinsley-Williams, and President Hill — 6.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 7), per Motions before Adjournment.

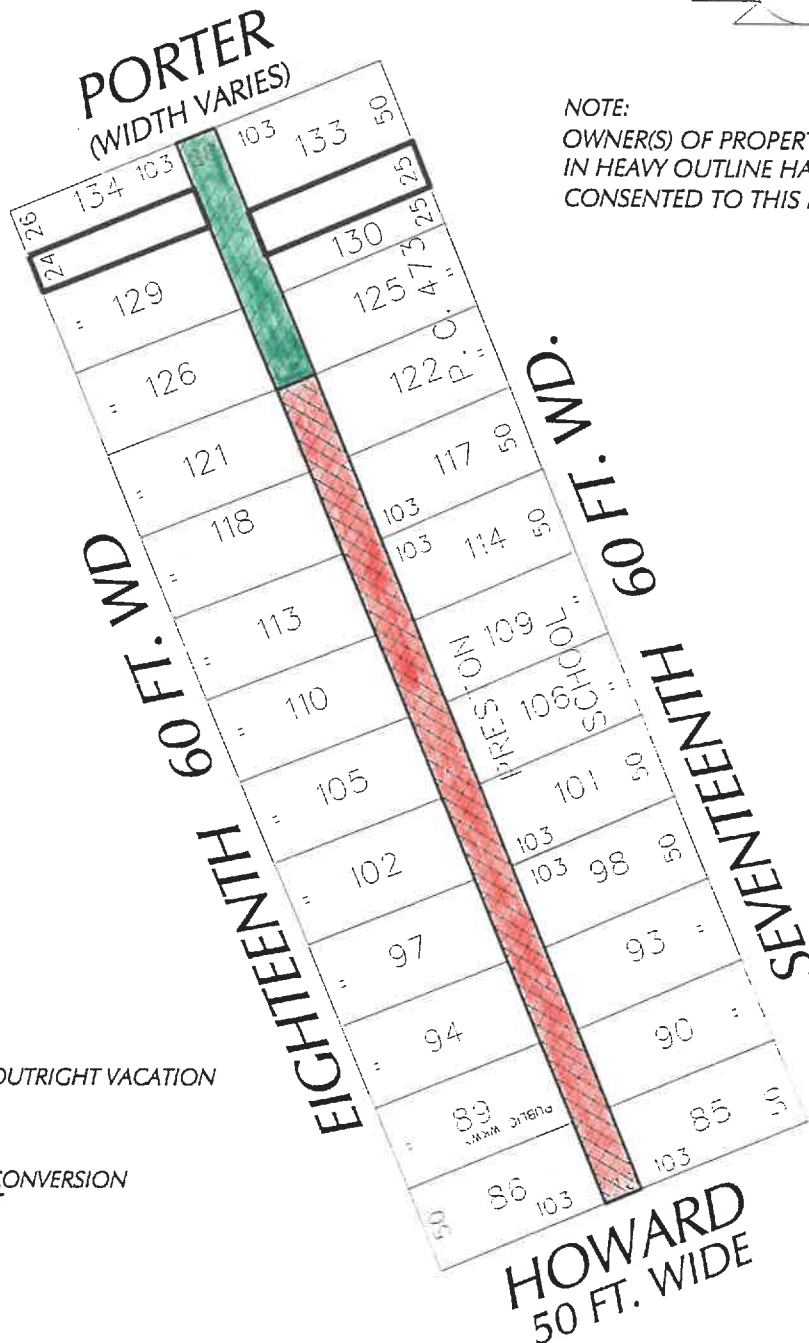
PETITION No. 520
 COOP. SERVICES INC./ BAGLEY HOUSING ASSOC.
 25900 GREENFIELD RD. #326, OAK PARK, MI. 48237
 c/o DIANE M. SMITH- ASSIST. DEVELOPM'T MGR.

PHONE: (248) 967-4576
 FAX: (248) 967-0602

18-B
 12-02-98
 J.C.C. pgs 3071-72



NOTE:
 OWNER(S) OF PROPERTIES SHOWN
 IN HEAVY OUTLINE HAS NOT
 CONSENTED TO THIS PETITION.



CARTO 18-B
 P.C. 473 STANTON FARM

 REQUESTED OUTRIGHT VACATION

 REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

4

REQUESTED OUTRIGHT VACATION OF THE SOUTHERLY
 PORTION OF THE N-S PUBLIC ALLEY AND REQUESTED CON-
 VERSION TO EASEMENT OF THE REMAINING PORTION OF
 SAME ALLEY, IN THE BLOCK BOUNDED BY PORTER, 17th,
 HOWARD AND 18th STREET

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01
 DRWG. NO. X520.DGN

| DESCRIPTION | DRWN | CHKD | APPD | DATE |
|----------------|-------------|------|------|------|
| DRAWN BY LGS | CHECKED JDF | | | |
| DATE 7/13/1998 | APPROVED | | | |