



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 investigation (utility review) and report. This is our report:

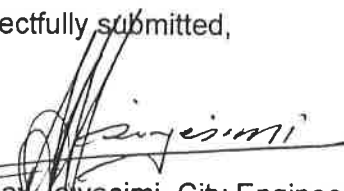
"Conner Park Florist" plans to use the paved alley return entrance (into Chelsea Avenue) and requests such remain in its present status. "Conner Park Florist" shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

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 Jayyesimi, City Engineer
City Engineering Division - DPW

Prepared by Metco Services, Inc.

MCD: AM

Attachment

Cc: Director, Department of Public Works
Mayor's Office

BY COUNCIL MEMBER: _____

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 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 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 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 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 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 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 specifications with all costs borne by "Conner Park Florist", 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; 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 considerations (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); containing about 560 square feet or 0.0128 acre more or less; subject to a private easement for public utilities.