

Department of Public Works
City Engineering Division

July 7, 1999

Honorable City Council:

Re: Petition No. 0609 — National Grinding Wheel Sales Company, request for commercial alley closure in the area of Steel, Sorrento and W. Eight Mile.

Petition No. 0609 of "National Grinding Wheel Sales, Company", requests the conversion of the east-west public alley, 20 feet wide, in the block bounded by Sorrento Avenue, 60 feet wide, Steel Avenue, 60 feet wide, Norfolk Avenue, 60 feet wide and West Eight Mile Road, 204 feet wide, 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.

Petition No. 0609 for the conversion to easement of a east-west right-of-way has four (4) property owners abutting it. One (1) property owner along W. Eight Mile Road has not consented to this closure because of through access. The remaining property owners feel by allowing this alley to remain open creates hazard conditions (i.e., drug selling, prostitution, gang activity and illegal dumping); as well as, vehicles traveling at high speeds.

The City Engineering Division-DPW reports there is a guideline from Detroit Code Section 50-6-3 which says:

"It shall cause an investigation to be made as to the objection of any dissenting abutting property owners who refuse consent to the granting of such petition, and shall obtain from the law department an opinion as to the legal merit of such objections."

The Law Department has advised City Engineering that the Detroit City Council may, in its discretion, vacate an alley and reserve an easement for utility purposes provided that (1) the vacation does not result in a decrease in the value of the land abutting the alley, and (2) the Detroit City Council determines in its discretion that vacating the alley is necessary to preserve, protect, and promote the health, safety, or welfare of the public.

The Detroit Water and Sewerage Department (DWSD) reports there are existing sewers (6"-12" concrete) in the east-west alley bounded by Sorrento, W. Eight Mile Road, Steel and Norfolk. DWSD has no obligation to the requested conversion to easement provided that an easement of the full width of the alley is reserved.

All other involved city departments as well as privately owned utility companies reported no objections to the conversion of public rights-of-way into a private easement for public utilities.

I am recommending adoption of the attached appropriate resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

By Council Member Hood:

Resolved, All of the east-west public alley, 20 feet wide, in the block bounded by Sorrento Avenue, 60 feet wide, Steel Avenue, 60 feet wide, Norfolk Avenue, 60 feet wide and West Eight Mile Road, 204 feet wide, lying southerly of "Blackstone Park Subdivision No. 6" of part of the N. 1/2 of Sec. 5, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 52, Page 91, Plats, Wayne County Records;

Be and the same 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:

WHEREAS, The City has received Petition No. 0609 requesting the vacation of the alley in the block bounded by Sorrento, Steel, Norfolk and West Eight Mile Road, with reservation of easement for public utility and other public purposes, also known as a petition for the conversion of the alley to an easement; and

WHEREAS, Less than 100% of the abutting property owners have signed Petition No. 0609; and

WHEREAS, The Law Department has advised the City Engineering Division-DPW that the Detroit City Council may, in its discretion, vacate an alley and reserve an easement for utility purposes provided that (1) the vacation does not result in a decrease in the value of the land abutting the alley, and (2) the Detroit City Council determines in its discretion that vacating the alley is necessary to preserve, protect and promote the health, safety, or welfare of the public; and further

RESOLVED, That the Detroit City Council accepts the report of the City Engineering Division-DPW recommending vacating the alley subject to the conditions set forth below; and further

RESOLVED, That the Detroit City Council finds that, based on the evidence presented to it, including the reports mentioned above, and the fact that over 75% of the abutting property owners have signed the petition 0609 of 1998 requesting the vacation of the alley, the vacation of the alley will not result in the diminished value to the abutting properties, and further

RESOLVED, That the vacation of the alley is necessary to preserve, protect, and promote the health, safety, or welfare of the public;

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 fences; 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 cost 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 entrances (into Sorrento and into Steel), 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 the abutting owner(s), their heirs or assigns, and further

PROVIDED, An easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose

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above set forth, and further

PROVIDED, Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment including the use of backholes, bulldozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and further

PROVIDED, the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide posts over its water mains at reasonable intervals and at points of deflection; 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., Everett, Hood, Scott, Tinsley-Talabi, and President Hill — 7.

Nays — None.

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PETITION No. 609
 NATIONAL GRINDING WHEEL SALES COMPANY
 12933 W. 8 MILE ROAD
 DETROIT, MI 48235
 J. MARC WALTHERS - PRESIDENT

PHONE: (313) 341-1660
 FAX: (313) 341-1667

EIGHT MILE RD.
 204 FT.WD.



REQUESTED CONVERSION
 TO EASEMENT



CARTO 87A

BLACKSTONE PARK
 SUBD. # 6

NORFOLK AVE.
 60 FT.WD.

SCALE: N. T. S.

(FOR OFFICE USE ONLY)

DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS				
DRAWN BY	LGS	CHECKED	JDF	
DATE	1.13.1998	APPROVED		

REQUESTED CONVERSION TO EASEMENT
 OF THE E-W ALLEY (20 FT. WD.) IN THE
 BLOCK BOUNDED BY W. 8 MILE ROAD,
 SORRENTO, STEEL AND NORFOLK

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X609.DGN