

**Department of Public Works
City Engineering Division
July 28, 1999**

Honorable City Council:

Re: Petition No. 1168 — "First Commercial Realty & Development Co., Inc., requests vacation of two (2) commercial alleys in the area of Lappin, Gratiot, Hoyt and Pfent for the Kroger development.

Petition No. 1168 of "First Commercial Realty & Development Company Incorporated" requests the outright vacation of the east-west public alley, 18 feet wide; also, the conversion (into an easement for public utilities) of a portion of the north-south public alley, 18 feet wide, all in the area bounded by Maddelein, Hoyt, Gratiot and Pfent.

First Commercial Realty & Development Co., Inc., plans a proposed new Kroger store development at this site.

Both the requested outright vacation and the conversion into a public utility easement were approved by the Planning and Development Department. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The petitioner plans to remove or alter the paved alley return entrance(s). The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal or relocation necessary.

Satisfactory arrangements have been made with all concerned city departments and privately-owned utility companies.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
SUNDAY JAYESIMI,
City Engineer

By Council Member Tinsley-Talabi:

Resolved, All of the east-west public alley, 18 feet wide, south of Lappin Street, east of Hoyt Street lying southerly of and abutting the south line of lots 50-55, inclusive; also, lying northerly of and abutting the north line of lots 56-60, inclusive, as platted in the "Re-Subdivision of lots 7 to 23, 32 to 59 and 71 to 92, all inclusive of Kelly's Gratiot Park Subdivision" of part of the S. 1/2 of the S. W. 1/4 of section 1, T. 1S., R. 12 E., City of Detroit, Wayne County, Michigan as recorded in Liber 56, Page 38, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property; and be it further

Resolved, All that part of the north-south public alley 18 feet wide, west of Gratiot Avenue and north of Lappin Street lying westerly of and abutting the west line of lots 134 and 135; also lying easterly of and abutting the east line of lots 129, 130 and a southerly part of lot 131, as platted in "Carol Park Subdivision No. 1" of part of the S. 1/2 of the S. W. 1/4 of section 1, T. 1S., R. 12E., Gratiot Township, Wayne County, Michigan, as recorded in Liber 46, Page 37 Plats, Wayne County Records; also, lying westerly of and abutting the west line of lots 1-5, inclusive, and lying easterly of and abutting the east line of lots 6 and 7 as platted in "Bell Ridge

Subdivision" of part of the S. 1/2 of the S. W. 1/4 of section 1, T. 1S., R. 12E., Gratiot Township, Wayne County, Michigan, as recorded in Liber 46, Page 37, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement 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:

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 their entrances, 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, 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 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., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

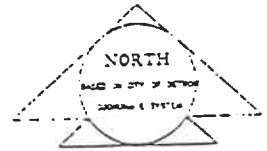
DATE August 4, 1999

J.C.C. PAGE(S)

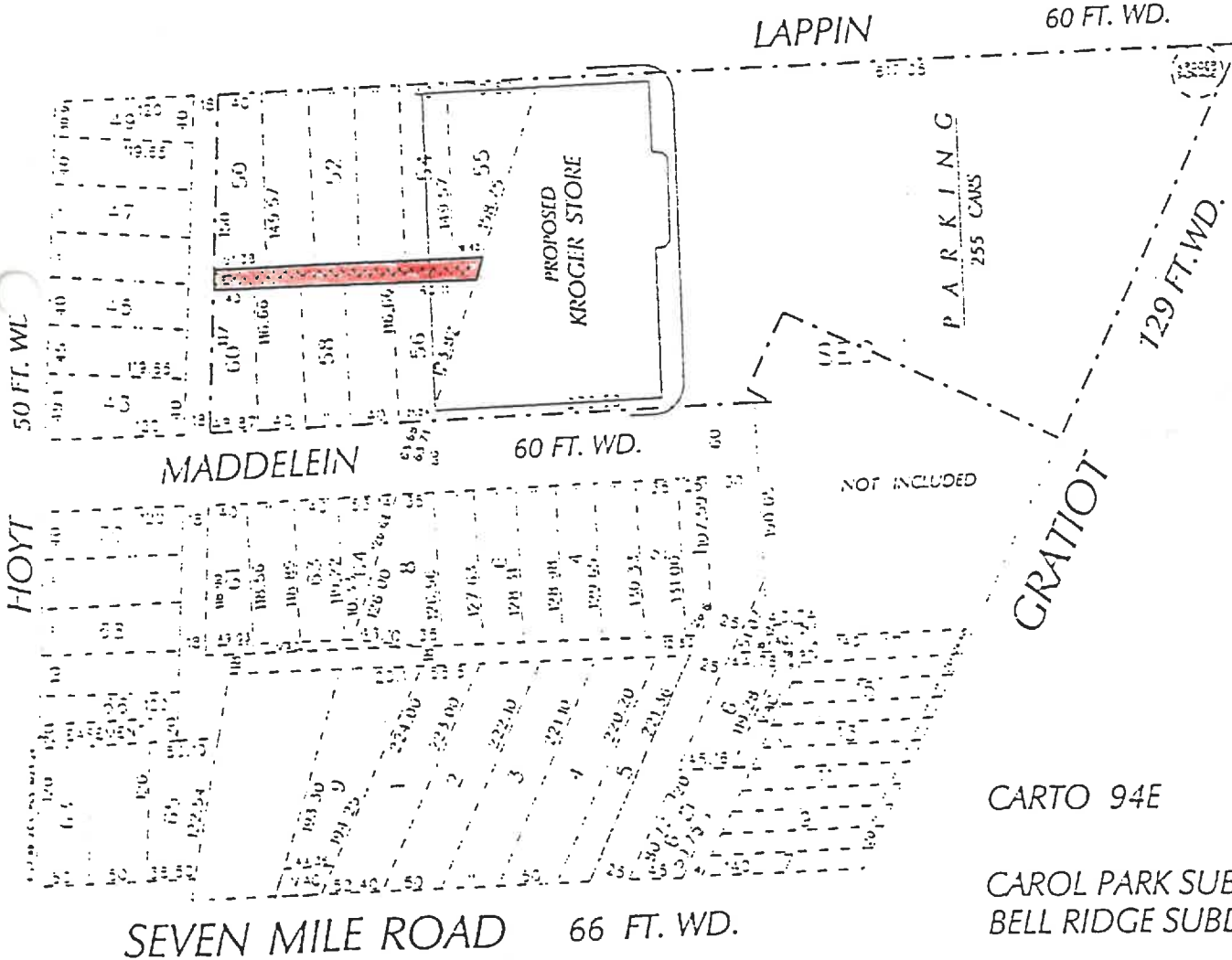
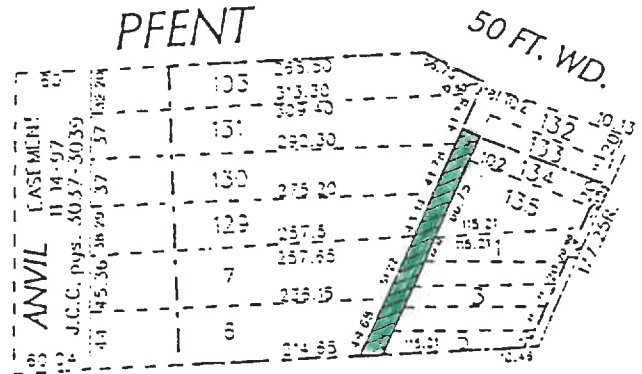
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PETITION No. 1168
 FIRST COMMERCIAL REALTY & DEVELOPMENT CO., INC.
 500 TELEGRAPH, SUITE 110
 SOUTHFIELD, MI. 48034
 c/o WILLIAM E. WATCH

PHONE: (248) 352-5000
 FAX: (248) 352-2144



 REQUESTED CONVERSION TO EASEMENT
 REQUESTED OUTRIGHT ALLEY VACATION



(FOR OFFICE USE ONLY)

SCALE: N.T.S.

- 1) REQUESTED CONVERSION TO EASEMENT OF THE N-S ALLEY IN THE BLOCK BOUNDED BY LAPPIN, ANVIL, PFENT AND CRATIOT AVENUE
- 2) REQUESTED OUTRIGHT VACATION OF THE E-W ALLEY IN THE BLOCK BOUNDED BY HOYT, LAPPIN, CRATIOT AVENUE AND MADDELEIN

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X1168.DGN

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A				
DESCRIPTION	DRWN	CHEK	APP	DATE
REVISIONS				
DRWN BY	LGS	CHECKED	JDF	
2-3-99		APPROVED		