

Department of Public Works
City Engineering Division
May 27, 1999

Honorable City Council:

Re: Petition No. 1246 — Elite Design & Development, Inc., et al., Requesting conversion of commercial alley to easement in the area of W. Seven Mile Rd., Southfield Expressway and Fenmore.

Petition No. 1246 of "Elite Design & Development, Inc., et al, requests the conversion of an east-west public alley, 16 feet wide, in the block bounded by W. Seven Mile Rd., Cambridge Ave., Southfield Freeway Ser. Dr. and Fenmore Ave. 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 requested alley closing was approved by the Solid Waste Division —

DPW and The Traffic Engineering Division — DPW.

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 Mahaffey:

Resolved, All of the east-west public alley, 16 feet wide, in the block bounded by West Seven Mile Road, 107 feet wide, Cambridge Avenue, 60 feet wide, Southfield Freeway Service Drive and Fenmore Avenue, 60 feet wide, lying southerly of and abutting the south line of lot 66 and lying northerly of and abutting the north line of lots 61-65, inclusive, of "Homelands Subdivision" of the E. 1/2 of S. W. 1/4 and the S. W. 1/4 of Section 1, T. 1 S., R. 10 E., Redford Township, Wayne County, Michigan, as recorded in Liber 35, Page 12, 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, 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 by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public 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 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 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 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 Fenmore and Southfield Freeway Ser. Dr.), 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, and President Hill — 8.

Nays — None.

DATE JUNE 2, 1999

J.C.C. PAGE(S)

1627 - 1628

PETITION No. 1246
 ELITE DESIGN & DEVELOPMENT, INC.
 MOHAMAD EL FASSIL
 8033 SCHAEFER RD.
 DETROIT, MI. 48228

PHONE: (313) 277-1453

CAMBRIDGE
 60 FT. WD.



SOUTHFIELD FREEWAY
 (WIDTH VARIES)

60 FT. WD.

FENMORE

CARTO 105E
 HOMELANDS SUBDIVISION



REQUESTED CONVERSION
 TO EASEMENT

105	81	30
80	"	"
	"	"
78	"	"
	"	"
76	"	"
	"	"
74	"	"
	"	"
72	"	"
	"	"
70	"	"
	"	"
68	"	"
	"	"
105	66	30
6173	63	6573
2120	"	20

W. SEVEN MILE
 107 FT. WD.

(FOR OFFICE USE ONLY)

SCALE: N. T. S.

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED		DATE	
LGS		JDF			
DATE		APPROVED			
3-26-1999					

REQUESTED CONVERSION TO EASEMENT
 OF E-W ALLEY (16 FT. WD.) IN THE BLOCK
 BOUNDED BY THE SOUTHFIELD FREEWAY,
 CAMBRIDGE, FENMORE AND W. SEVEN
 MILE ROAD

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. X1246.DGN
 DRWG. NO. 01-01