

**Department of Public Works
City Engineering Division**

September 21, 1999

Honorable City Council:

Re: Petition No. 1331, "Henry R. Kozak" requesting vacation of commercial alley at the rear of 11500 Conant.

Petition No. 1331 of Henry R. Kozak request the conversion of a portion of the north-south public alley, 18 feet wide, in the block bounded by Harold Ave., 50 feet wide, Casmere Ave., 50 feet wide, Conant Ave., 66 feet wide and Fenelon Ave., 60 feet wide, into a private easement for public utilities.

The requested conversion was approved by the Planning and Development Department, 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.

All City departments and privately-owned utility companies have 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.

The adoption of the attached resolution is recommended.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

By Council Member S. Cockrel:

Resolved, All that part of the north-south public alley, 18 feet wide, (deeded to the City of Detroit; confirmed by Circuit Court October 19, 1925; referred to c.c. October 20, 1925) lying westerly of and abutting the west line of the north 74.65 feet of lot 204 and lying easterly of and abutting the east line of the south 65.29 feet of the north 74.29 feet of lot 203 as platted in "Shipman's Subdivision of the Carpenter Farm" Fr'l Sec's 17 and 20, T.1S., R.12E., Hamtramck, Wayne Co., Michigan as recorded in Liber 25, Page 43 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 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, 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 backhoes, 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.

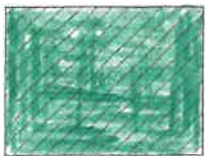
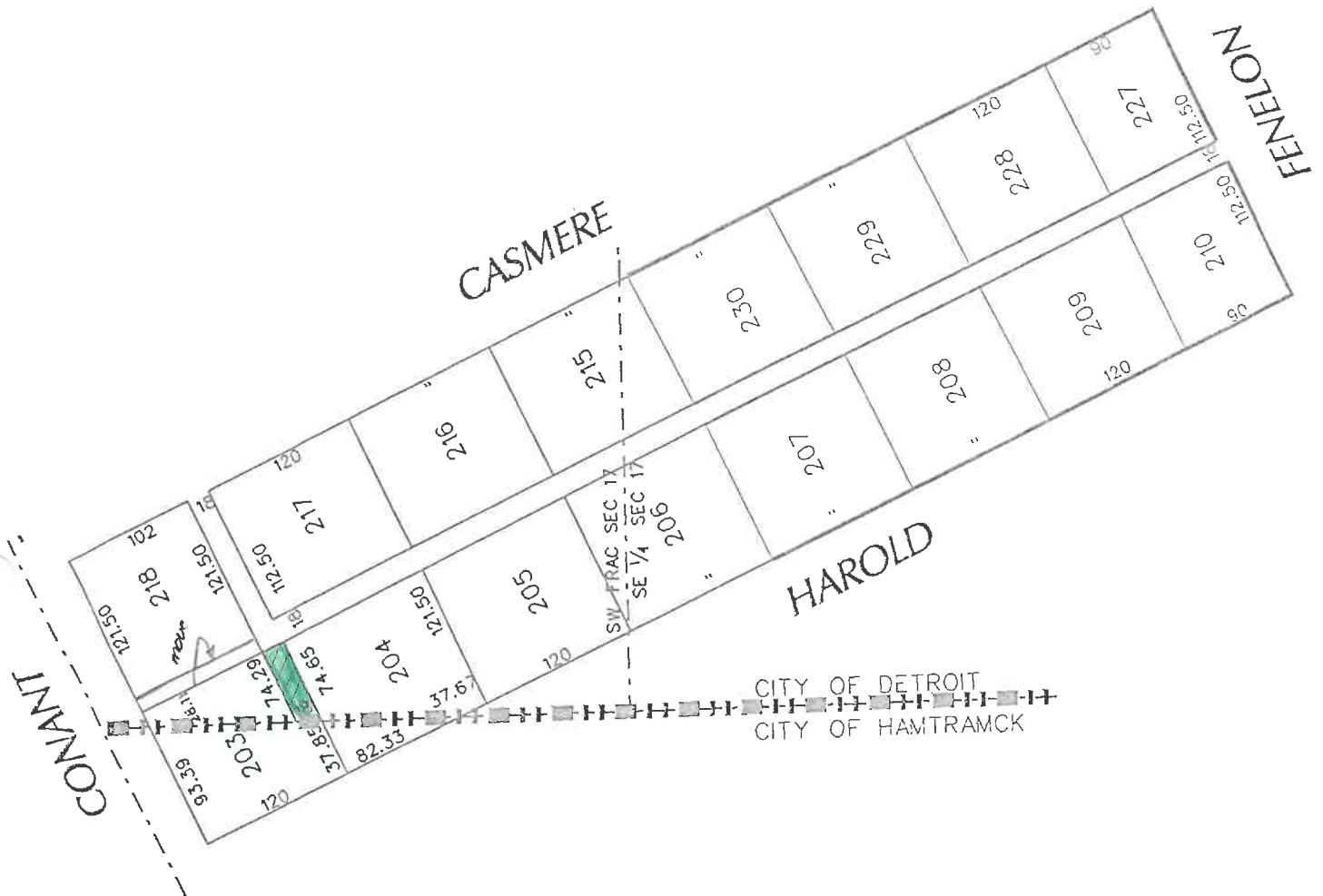
Nays — None.

DATE SEPTEMBER 29, 1999

J.C.C. PAGE(S)

2786 - 2788

PETITION NO. 1331
 HENRY R. KOZAK
 11500 CONANT AVE.



REQUESTED CONVERSION TO EASEMENT

"SHIPMAN'S SUBN OF THE CARPENTER FARM"

CARTO. NO. 50-CY

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY JDF		CHECKED			
		APPROVED			

REQUESTED CONVERSION TO EASEMENT
 OF A PORTION OF THE N/S PUBLIC ALLEY
 18 FEET WIDE, IN THE BLOCK BOUNDED
 HAROLD, CASMERE, CONANT AND
 FENELON.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X1331.DGN