

Department of Public Works
- City Engineering Division
November 29, 1999

Honorable City Council:

Re: Petition No. 2050 — "Warren & Brush Development Company, L.L.C./Dickerson Wright, PLLC" request for vacation and conversion to easement of alley in the area of John R. Brush St. and Warren Ave.

Petition No. 2050 of "Warren & Brush Development Company, L.L.C./Dickerson Wright, PLLC", request for the conversion of the east-west, public alley, 20 feet wide, in the block bounded by John R., 60 feet wide, Brush Street, 60 feet wide, E. Hancock Avenue, 70 feet wide, and E. Warren Avenue, 147 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.

The public right-of-way is to be converted into a easement as part of the construction of an CVS drugstore on the south side of E. Warren Avenue between Brush and John R. Street(s).

The Planning and Development Department and the Traffic Engineering Division — DPW has approved the requested change in public rights-of-way.

The Detroit Water and Sewerage Department (DWSD) reports there is an existing 15" x 20" sewer in the alley requested to be vacated. DWSD has no objection to the conversion to easement provided that an easement of the full width of the alley is reserved.

Ameritech (MBT) has facilities on poles running east to west and must have access at all times.

All other involved 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

City Engineering Division — DPW
By Council Member S. Cockrel:

Resolved, That all that part of the east-west public alley, 10 feet wide (being the southerly half of a 20 feet wide public alley) lying northerly of and abutting the north line(s) of lot(s) 9 through 20, both inclusive, of the "Plat of Genesee Co. Savings Bank, Flint, Subdivision of the north half of Park Lot 36", as recorded in Liber 6, Page 5, Plats, Wayne County Records; Also, all that part of the east-west public alley, 10 feet wide (being the northerly half of a 20 feet wide public alley) lying southerly of and abutting the south line(s) of lot(s) 40 through 29, both inclusive, of the "Plat of Moore and Palmer's Subdivision of Park Lot 37" as recorded in Liber 3, Page 40, Plats, Wayne County Records; Also, all that part of the east-west public alley, 20 feet wide, lying northerly of and abutting the north line(s) of lot(s) 10 through 14, both inclu-

sive, and lying southerly of and abutting the south line(s) of lot(s) 1 through 5, both inclusive, of "Brush Subdivision of that part of Brush Farm" lying between the south line of Farnsworth St., and the south line of Alexandrine Ave., Detroit, Wayne County, Michigan, as recorded in Liber 17, Page 29 Plats, Wayne County Records; Also, all that part of the public alley, 20 feet wide, abutting on the north and the south by a 6.5 foot tract of land, all in the block bounded by John R., 60 feet wide, Brush, 60 feet wide, E. Hancock 70 feet wide, and E. Warren, 147 feet wide;

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 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 become 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 free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for the Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, 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 if it becomes necessary to remove the paved alley return at the entrance (into John R. or Brush), 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, Manaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

DATE DECEMBER 16, 1999

J.C.C. PAGE(S)

3479-3480

PETITION NO. 2050
 DICKINSON WRIGHT
 525 N. WOODWARD AVE. STE. 2000
 TODD WYETT(PRESIDENT WARREN & BRUSH DEVL.P.)
 PHONE NO. 248.352.2454
 MATTHEW RAY (ARCHITECT)
 PHONE NO. 248.643.8993



 REQUESTED CONVERSION TO EASEMENT

CAARTO. 30-F
 PLAMERS SUB'N
 SAVING BANK SUB'N
 BRUSH FARMS LOT22 SUB'N

(FOR OFFICE USE ONLY)

| | | | | | |
|-------------|--------|----------|------|------|--|
| B | | | | | |
| A | | | | | |
| DESCRIPTION | DRWN | CHKD | APPD | DATE | |
| REVISIONS | | | | | |
| BY | N.R.P. | CHECKED | | | |
| | 9.99 | APPROVED | | | |

REQUESTED CONVERSION TO EASEMENT THE
 E/W 20 FT.WD. OPEN PUBLIC ALLEY BLOCK BND.
 BY WARREN, HANCOCK, BRUSH AND JOHN R.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X2050CVS.DGN