

**Department of Public Works  
City Engineering Division**

July 19, 1999

Honorable City Council:

Re: Petition No. 2264 - Charles E. Gaston/State Fair Lounge, et al.; requesting alley closure in the area of Hoover, Albion, State Fair and Manning

Petition No. 2264 of "Charles E. Gaston/State Fair Lounge, et al.", requests the conversion of the north-south public alley, 16 feet wide, in the block bounded by Albion Avenue, 50 feet wide, Hoover Avenue, 66 feet wide, Manning Avenue, 50 feet wide, and State Fair Avenue, 33 feet wide into a private easement for public utilities.

This petition was referred to the City Engineering Division — DPW for investigation (Utility review) and report. This is our report.

The Public Lighting Department (PLD) has no objection to the proposed conversion to easement. However, the PLD has an overhead street lighting and high voltage circuit running south of State Fair Avenue in the proposed alley between Albion and Hoover. PLD requires 24 hour access for heavy vehicles for maintenance of their installations. No permanent structure of any kind is to be built over any part of the alley.

The Detroit Water and Sewerage Department (DWSD) reports there are existing 15" and 18" DWSD sewers in the north-south portion of the alley bounded by State Fair, Manning, Albion and Hoover. DWSD has no objection to the requested conversion to easement provided that an easement of the full width of the involved portions of the alley is reserved.

The Detroit City Council has previously received reports from the City Engineering Division — DPW and the Planning and Development Department with regards to Petition No. 2264.

Because the report that was before City Council had less than 100% of the abutting property owners consent, a legal opinion was requested regarding the potential effects of the proposed alley closure.

The City of Detroit Law Department reports 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 Law Department recommends that Detroit City Council accept the reports of the City Engineering Division - DPW and the Planning and Development Department due to the fact that the vacation of the alley will not result in the diminished value to the abutting properties.

All other City departments and privately owned utility companies reported no objections to the conversion of the 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 Mahaffey:

WHEREAS, The City has received Petition No. 2264 requesting the vacation of the alley in the block bounded by State Fair, Hoover, Manning and Albion, 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, The Detroit City Council has requested and received reports from the City Engineering Division — DPW and the Planning and Development Department regarding the potential effects of the proposed alley vacation; and

WHEREAS, Less than 100% of the abutting property owners have signed Petition 2264; and

WHEREAS, The Law Department has advised the Detroit City Council 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;

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

RESOLVED, That the Detroit City Council accepts the report of the Planning and Development Department stating that the value of the abutting properties will not be decreased by the alley vacation; and further

RESOLVED, That the Detroit City Council finds that, based on the evidence presented to it, including reports mentioned above, and the fact that over 90% of the abutting property owners have signed the petition 2264 of 1996 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, All of the north-south public alley, 16 feet wide, in the block bounded by Albion Avenue, 50 feet wide, Hoover Avenue, 66 feet wide, Manning Avenue, 50 feet wide, and State Fair Avenue, 33 feet wide; lying easterly of and abutting the east line of lots 136-150, both inclusive, and lying westerly of and abutting the west line of lots 1 - 17, both inclusive, of "Skrzycki-Konczal Subdivision" being part of the S. E. 1/4 of Sec. 3, T. 1 S. R. 12 E., Hamtramck Township, Wayne County, Michigan, as recorded in Liber 45, Page 25, 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 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

DATE JULY 28, 1999

J.C.C. PAGE(S)

2171-2174

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 State Fair), 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 Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 6.

Nays — None.

PETITION NO. 2264  
 STATE FAIR LOUNGE  
 19910 HOOVER  
 C/O CHARLES GASTON  
 PHONE 313-521-7289



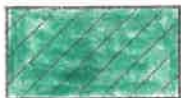
# STATE FAIR

ALBION

35	37.91	106.98	37.23	31.12	101.031	30.48
	150				101.29	31
"	148				101.42 <sup>3</sup>	"
"					101.58	"
"	146				101.61 <sup>5</sup>	"
"					101.81	"
"	144				101.94 <sup>7</sup>	"
"					102.07	"
"	142				102.28 <sup>9</sup>	"
"					102.33	"
"	140				102.46 <sup>11</sup>	"
"					102.59	"
"	138				102.72 <sup>13</sup>	"
"					102.85	31
"	136				15	31
35	107				D.F.D. ENG.	"
					NO. 17 <sup>60</sup>	51
					103.23	

HOOVER

MANNING



REQUESTED CONVERSION TO EASEMENT

CARTO. NO. 93-E  
 SCALE: 100'-1"

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY N. PERRY		CHECKED			
7-2-97		APPROVED			

REQUESTED CONVERSION TO EASEMENT  
 THE 16 FT.WD. NS PUBLIC ALLEY BLOCK  
 BOUNDED BY MANNING, STATE FAIR  
 ALBION AND HOOVER.

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X2264.DGN