

Department of Public Works
City Engineering Division
May 28, 1999

Honorable City Council:
Re: Petition No. 4128 — Victoria and Wally Banka, et al., requesting alley closure in the area of Robinwood, E. Seven Mile, Gable and Dwyer.

Petition No. 4128 of "Victoria and Wally Banka, et al", request for the conversion of a portion of the east-west public alley, 18 feet wide, in the block bounded by Gable Avenue, 50 feet wide, Dwyer Avenue, 50 feet wide, Robinwood Avenue, 50 feet wide and East Seven Mile Road, 66 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 Lighting Department (PLD) has an overhead street lighting wire (duplex) in the proposed portion of alley on the east and feeding the light on Dwyer Street. PLD requires 24 hour access to the area by our crews and heavy vehicles for the maintenance of the installations. PLD has no objection.

The Detroit Water and Sewerage Department (DWSD) reports there is an existing 12" sewer in the east-west portion of the alley abutting lots 212-218 in the area bounded by Gable, East Seven Mile Road, Dwyer and Robinwood. DWSD has no objection.

Other 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, That part of the east-west public alley, 18 feet wide, in the block bounded by Gable Avenue, 50 feet wide, Dwyer Avenue, 50 feet wide, Robinwood Avenue, 50 feet wide and East Seven Mile Road, 66 feet wide; lying northerly of and abutting the north line of lot 218 and lying southerly of and abutting the south line of lots 213-217, inclusive, and the east 9 feet of lot 212 of "Kern Heights — Louis N. Hilsendegen's Subdivision", of a part of the N.W. 1/4 of the N.W. 1/4 of Section 9, T. 1, S. R. 12 E., Hamtramck Township, Wayne County, Michigan, as recorded in Liber 36, Page 24, 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 Dwyer Avenue), 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.

Pg. # 11
CARTO 53B.

June 2, 1999

Jcc Pg. 1626-1627

D101000

33

163

SEVEN

MILE

S. W. SEC. 4
N. W. SEC. 9

L137000

200	172	174	176	177	178	180	182	184	186	188	190	191
154.78	162.39											
200	172	174	176	177	178	180	182	184	186	188	190	191
154.78	162.39											

200 FT. WD.

206	208	210	212	214	216	218	220	222	224	226	228	230	231
2120	208	210	212	214	216	218	220	222	224	226	228	230	231
2120	208	210	212	214	216	218	220	222	224	226	228	230	231
2120	208	210	212	214	216	218	220	222	224	226	228	230	231

50 FT. WD.

246	248	250	252	253	254	255	256	257	258	259	260	261	262
246	248	250	252	253	254	255	256	257	258	259	260	261	262
246	248	250	252	253	254	255	256	257	258	259	260	261	262
246	248	250	252	253	254	255	256	257	258	259	260	261	262

50 FT. WD.

232	233	235	237	239	241	243	244	246	248	250	252	253	254
232	233	235	237	239	241	243	244	246	248	250	252	253	254
232	233	235	237	239	241	243	244	246	248	250	252	253	254
232	233	235	237	239	241	243	244	246	248	250	252	253	254

SEC.

70 FT. WD.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	2	3	4	5	6	7	8	9	10	11	12	13	14

DWYER.

GABLE

ROBIN WOOD