

Department of Public Works

June 22, 1999

Honorable City Council:

Re: Petition No. 838 — "All Trailer Storage, Inc.," requesting various street and alley closures in the area of Mackenzie Ave., Blythe Ave., Joy Rd. & Freeland Ave.

Petition No 838 of "All Trailer Storage, Inc.," requests the conversion of Blythe Avenue, 60 feet wide, between Joy Road and Mackenzie Avenue, and that part of Blythe Avenue south of Mackenzie Avenue (previously temporarily closed by City Council August 6, 1993; J.C.C. Pgs. 1663-1664); also, Mackenzie Avenue, 60 feet wide, between Freeland Avenue and Blythe Avenue, the east-west public alley, 20 feet wide and the north-south public alley, 18 feet wide, in the block bounded by Freeland, Blythe, Joy Rd. & Mackenzie; and the north-south public alley, 18 feet wide, south of Mackenzie between Blythe and Freeland (converted to easement March 13, 1985 J.C.C. Pgs. 544-550) into private easement(s) for public utilities.

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

The purpose of the requested public street and alley closings to provide additional security and to discourage dumping around the Towing and Service storage yard. In order to secure the required change of occupancy permit & approval of the Board of Zoning appeals (BZA Case 42-95 conditions, & Ord. 290E, Sec. 12-11-16.1) these public right-of-way changes must be approved by City Council. The Detroit Water and Sewerage Department (DWSD) reports no objection subject to provisions of resolution.

City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way in a utility easement. Provisions protecting existing utility installations are part of the resolution. An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,

SUNDAY JAYESIMI,

City Engineering Division-DPW

By Council Member S. Cockrel:

RESOLVED, All that part of Blythe Avenue, 60 feet wide, south of Joy Road, lying easterly of and abutting the east line of lots 188-211, both inclusive; and that part of Mackenzie Avenue, 60 feet wide, between Freeland Avenue, 60 feet wide, and Blythe Avenue 60 feet wide, lying southerly of and abutting the south line of lots 176 & 199; and all that part of the north-south public alley, 18 feet wide, first east of Freeland Avenue, lying easterly of and abutting the east line of lots 164-187, both inclusive, all in "Chase Heights" a subdivision of part of the N.W. 1/4 of the N.E. 1/4 of Sec.6 T.2.S. R. 11 E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 49, Page 17, Plats, Wayne County Records; Also, all that part of Blythe Avenue, 60 feet wide, lying easterly of and abutting the east line of lot 87 and lots 88-92, both inclusive; and all that part of the north

south public alley 18 feet wide, lying easterly of and abutting the east line of lots 71-75, both inclusive, and that remaining part of the east-west public alley, 20 feet wide, lying northerly of and abutting the north line of lot 88, all in "Cumberland Investment Company's Bonaparte Chase Subdivision" of part of N.W. 1/4 of N.E. 1/4 of Section 6, T.2,S. R. 11E., City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 23, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alleys and are hereby converted into a private easement for public utilities of the full width of street and alleys, 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 streets and alleys 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 streets and alleys 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 street or alley in the City of Detroit, with the right to ingress and egress over said easement for the purpose above set forth,

SECOND, said utility easement or right-of-way in and over said vacated street and 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 task, 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 and restricted plant materials; said fence and gate installations shall be subject to the review and approval of the Fire Marshall and Buildings and Safety Engineering Departments) 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 street or alley

shall request the removal and/or relocation of any hydrants catch basins, drains, 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(s), is reserved for the Detroit Water and Sewerage Department (DWSD) for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easements for the purpose above set forth. Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for the DWSD 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. The DWSD retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points of deflection; and further

PROVIDED, said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc., shall be built upon or over said easements, or that no grade changes or storage of materials shall be made within said easements without prior written approval and agreement with the DWSD; and further

PROVIDED, that if it becomes necessary to remove the paved street or alley

returns at the entrances, 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 "All Trailer Storage, Inc.," 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, S. Cockrel, Mahaffey, Tinsley-Talabi, and President Hill — 5.

Nays — None.

DATE JUNE 30, 1999

J.C.C. PAGE(S)

1902-1904

PETITION NO. 838
 ALL TRAILOR STORAGE, INC.
 C/O ARMAND KOHLSTRAND
 313.581.3762

S.E. 1/4 SEC.31 N 88° 29' 30"E
 S.E. 1/4 SEC.6

JOY ROAD

CHASE

SUB'N.

HEIGHTS

CHASE

REQUESTED CONVERSION TO
 EASEMENT

MACKENZIE

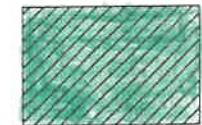
60 FT. WD.

FREELAND

60 FT. WD.

EASEMENT

622±



CARTO. NO. 81B

(FOR OFFICE USE ONLY)

REQUESTED CONVERSION TO EASEMENT
 OF CERTAIN STREETS AND ALLEYS IN THE
 AREA OF FREELAND, JOY RD., BLYTHE
 & MACKENZIE.

66 435
 71 435.20
 80 435.36
 " 435.52
 " 435.68
 " 435.84
 " 436.00
 " 436.16
 " 436.32
 " 436.48
 " 436.64
 " 80
 101

66 FT. WD.

R./W.

R.R.

BLYTHE

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

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X838.DGN