

Department of Public Works  
City Engineering Division  
May 18, 1999

Honorable City Council:  
Re: Petition No. 876; 7 Mile Gratiot, L.L.C., request for vacation and conversion to easement of certain alleys in the area of Gratiot & E. Seven Mile Road.

Petition No. 876 of "7 Mile Gratiot, L.L.C." requests the conversion of certain public alleys, variable widths, in the area

bounded by Hoyt Street, Gratiot Avenue, East Seven Mile Road and Maddelein Avenue into private easements 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 closings are being re-developed, to facilitate construction of a new Walgreen's store.

The Detroit Water and Sewerage Department (DWSD) reports there are existing sewers and water mains, in the area to be closed. DWSD has no objection to the requested conversion to easement(s) provided that an easement of the full width is reserved.

The alley closure(s) was approved by the Solid Waste Division-DPW, Traffic Engineering Division-DPW. All other involved city departments and privately owned utility companies reported no objections to the conversion of public rights-of-way into private easement(s) for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY A. JAIYESIMI  
City Engineer

By Council Member S. Cockrel:

Resolved, Land in the City of Detroit, in the area bounded by Hoyt Avenue, 60 feet wide, Gratiot Avenue, 129 feet wide, Maddelein Avenue, 60 feet wide and, East Seven Mile Road, 66 feet wide, being all of the east-west, public alley, 18 feet wide, lying southerly of and abutting the south line of lot(s) 1-8, inclusive, and lying north of and abutting the north line of lot 9 of "Juif Estate Subdivision" of part of S.W. 1/4 of section 1, T. 1S., R., 12E., City of Detroit, Wayne County, Michigan as recorded in Liber 59, Page 52 Plats, Wayne County Records; also, lying northerly of and abutting the north line of lots 1-5, inclusive, of "Pfent Park" a subdivision of a part of the S.W. 1/4 of Section 1, T. 1S., R., 12E., Gratiot Township, Wayne County, Michigan, as recorded in Liber 35 Page 75, Plats Wayne County Records; Also, all that part of the S.E. 1/4 of the S.W. 1/4 of Section 1, T. 1S., R. 12 E., City of Detroit, Wayne County, Michigan, bounded on the east by the west line of "Juif Estate Subdivision" as recorded in Liber 59 of Plats, Page 52, Wayne County Records, on the north by a line which is 9 feet south of and parallel to the south line of lots 61 to 64, inclusive, of

"Resubdivision of Kelly's Gratiot Park Subdivision: as recorded in Liber 56 of Plats, Page 38, Wayne County Records, on the west by the east line, extended northerly, of lot 65 of "Kelly's Gratiot Park Subdivision," as recorded in Liber 40 of Plats, Page 11, Wayne County Records,

and on the south by a line, extended westerly, of lot 1 of "Pfent Park Subdivision," as recorded in Liber 35 of Plats, Wayne County Records (alley deeded to City of Detroit January 24, 1951, J.C.C. page 133). Also, all of the north-south and east-west public alleys north of East Seven Mile Road and west of Gratiot Avenue, the north-south alley described as lying easterly of and abutting the east line of lot 1 of "Juif Estate Subdivision" of part of S.W. 1/4 of Section 1, T. 1S., R. 12 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 52 Plats, Wayne County Records, (Deeded to the City of Detroit June 13, 1939). Also, lying easterly of and abutting the east line of lot 5, and lying westerly of and abutting the west line of lot 6. Also that east-west alley, (variable width) bounded on the north and south by lot 6 (deeded to the City of Detroit April 25, 1939). Also, the remaining part of the north-south public alley, 18 feet wide, lying westerly of and abutting the west line of lots 7-11, inclusive, all the above mentioned rights-of-way in "Pfent Park" a subdivision of a part of the S.W. 1/4 of Section 1, T. 1S., R. 12 E., Gratiot Township, Wayne County, as recorded in Liber 35, Page 75, Plats, Wayne County Records; Be and the same hereby vacated as a public alley(s) and is hereby converted into a private easement(s) for public utilities of the full width of the alley(s), which easement(s) 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(s) herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas line 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(s) 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(s) 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 Marshall and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement(s), nor change or surface grade made, without prior approval or 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(s), such owners, shall pay all costs incidental to such removal and/or relocation, unless such changes 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, that if it becomes necessary to remove the paved alley return at the entrances (into E. 7 Mile Road and into Maddelein Ave), 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, an easement, the full width of the existing right(s)-of-way, is reserved for the Detroit Water and Sewerage Department of the purpose of installing, maintaining, repairing, removing, or replacing and 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 back-hoes, 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; and be it further

Resolved, the Finance Director is hereby authorized to issue quit-claim deeds to transfer the following vacated public rights-of-way for the fair market value and/or other valuable consideration:

1) Land in the City of Detroit, Wayne County, Michigan being all that part of Lot 9 of "Juif Estate Subdivision" of part of S.W. 1/4 of Section 1, T.1S., R. 12 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 52 Plats, Wayne County Records, lying north of a line, extended westerly, of lot 1 of "Pfent Park Subdivision," as recorded in Liber 35, Page 75 Plats, Wayne County Records. Also, that part of the S.E. 1/4 of the S.W. 1/4 of Section 1, T.1S., R. 12E., City of Detroit, Wayne County, Michigan, bound on the east by the west line of "Juif Estate Subdivision," as recorded in Liber 59, Page 52 of Plats, Wayne County Records, on the north by a line which is 9.0 feet south of and parallel to the south line of lots 61-64, inclusive, of "Resubdivision of Kelly's Gratiot Park Subdivision," as recorded in Liber 58, Page 38, Plats, Wayne County Records, on the west by the east line extended northerly of lot 65 of "Kelly's Gratiot Park Subdivision", as recorded in Liber 40, Page 75 Plats, Wayne County Records, and on the south by a line, said line being the north line, extended westerly, of lot 1 of "Pfent Park Subdivision", as recorded in Liber 35, Page 75 Plats, Wayne County Records; (said part or lots having been deeded to the City of Detroit for alley purposes on January 24, 1951, J.C.C. Pg. 133); subject to a private easement for public utilities; and

2) Land in the City of Detroit, Wayne County, Michigan being the easterly 23.39 feet of lot 5 and the westerly 4.84 feet of lot 6 measured along the northerly line of E. 7 Mile Road, 66 feet wide, as now established; also all that part of lot 6 more particularly described as beginning at the extreme southeasterly corner of said lot 6, thence on a course N. 28 degrees 09'E. along the easterly line of said lot 6, 59.75 feet to a point, said point being the southeasterly corner and the point of beginning of the parcel herein intended to be described; thence N. 61 degrees 51'W., 40.00 feet, to a point on the easterly line of the westerly 4.29 feet (measured at right angles) 20.00 feet to a point; thence S. 89 degrees 31'E., 45.16 feet, to a point on the westerly line of a public alley (16 feet wide, as established); thence S. 28 degrees 09'W. along the westerly line of said public alley 40.97 feet to the point of beginning; of "Pfent Park", a subdivision of a part of the S.W. 1/4 of Sec. 1, T.1S., R. 12 E., Gratiot Township, Wayne County, Michigan, as recorded in Liber 35, Page 75 Plats, Wayne County Records; also all

that part of lot 1 more particularly described as beginning at the southeast corner of said lot 1; thence northerly along the easterly line of said lot 42.83 feet to a point; thence in a southwesterly direction 47.94 feet to a point on the southerly line of said lot; thence easterly along the southerly line of said lot 22.47 feet to the point of beginning of "Juif Estate Subdivision" of part of S.W. 1/4 of Sec. 1, T. 1 S., R. 12E., City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 52 of Plats, Wayne County Records, (said parts of lots having been deeded to the City of Detroit for alley purposes April 25, 1939, J.C.C. Pgs. 949-50); subject to a private easement for public utilities; and

3) Land in the City of Detroit, Wayne County, Michigan being described as the East 10.00 feet of lot 1 of "Juif Estate Subdivision" of part of S.W. 1/4 of Section 1, T. 1, S.W. 12E., City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 52 of Plats, Wayne County Records (said part of Lot deeded to the City of Detroit for alley purposes June 13, 1939 J.C.C. Pgs 1353-4); subject to a private easement for public utilities.

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 MAY 26, 1999

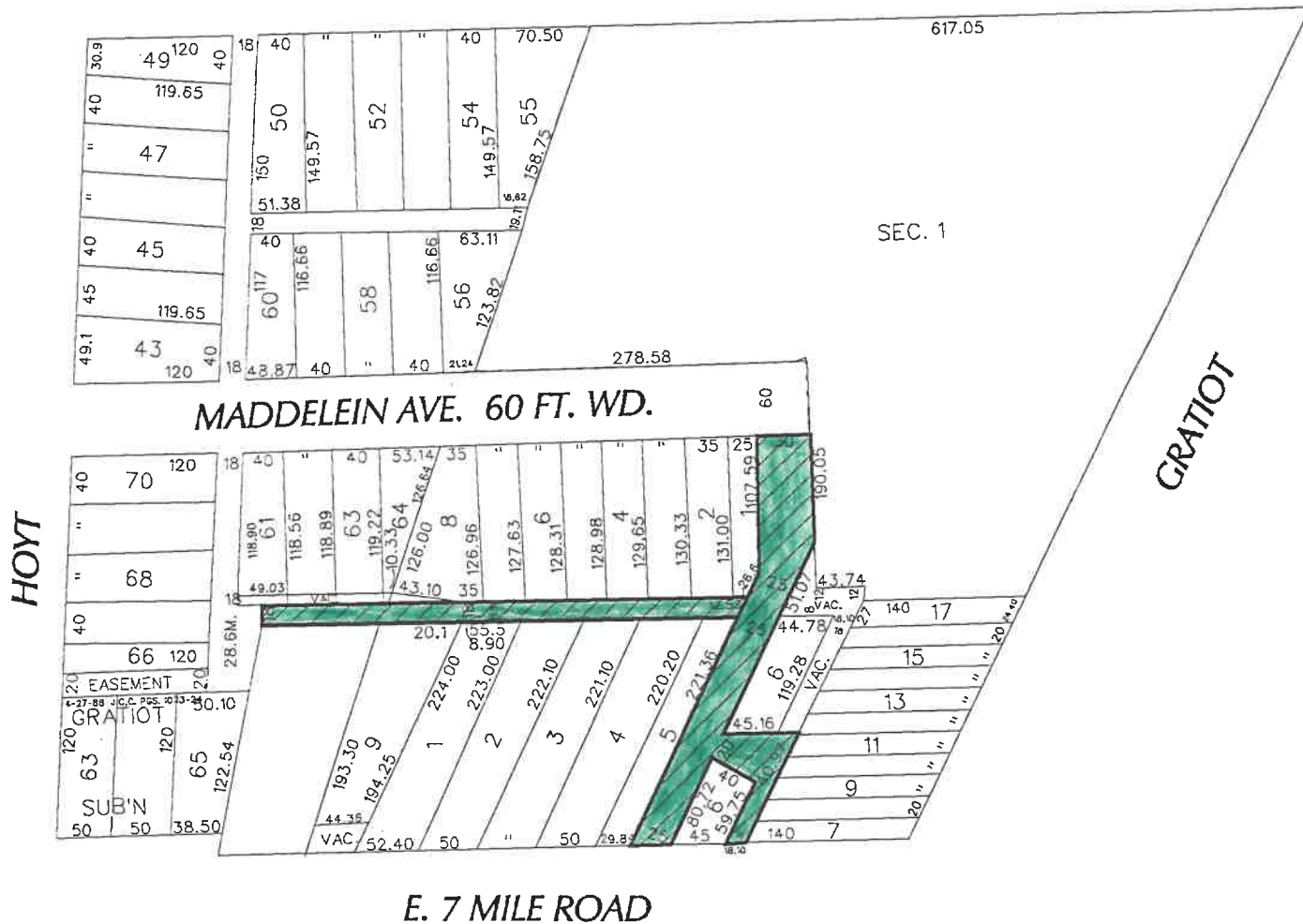
J.C.C. PAGE(S)

1577-1580

PETITION NO.876  
 WALLGREENS  
 44978 FORD RD. SUITE K  
 CANTON, MI. 48187  
 EDDIE BAKAL  
 PHONE NO. 734.459.1941



LAPPIN 60 FT. WD.



REQUESTED CONVERSION TO EASEMENT

" PFENT PARK SUB'N "  
 " JUIF ESTATE SUB. "

CARTO. NO.94-E

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
N.R.P.	APPROVED				
10.22.98					

REQUESTED CONVERSION TO EASEMENT THE MS 25, 30 AND 18 FT.WD. PUBLIC ALLEY : ALSO THE EW 18 FT.WD. PUBLIC ALLEY IN THE AREA OF HOYT, E. 7 MILE, GRATIOT AND MADDELEIN.

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X876.DGN