

Department of Public Works
City Engineering Division
July 22, 2000

Honorable City Council:

Re: Petition No. 0304 of 1998 — Henry Ford Health Systems, requesting commercial alley closure in the area of West Grand Boulevard, Lincoln, and Wade Ave.

Petition No. 0304 of "Henry Ford Health Systems" requests the conversion of a portion of the north-south public alley, 20 feet wide, in the block bounded by Trumbull Avenue, 50 & 60 feet wide, Lincoln Avenue, 60 feet wide, West Grand Boulevard, 150 feet wide and Holden Avenue, 66 feet wide, into a private easement for public utilities.

The request was approved by the Solid Waste Division-DPW, and the Traffic Engineering Division-DPW. The petition was referred to the City Engineering Division-DPW for investigation (utility review) and report. This is our report.

All city departments and privately owned utility companies have 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 Everett:

Resolved, All that part of the north-south public alley, 20 feet wide, in the block bounded by Trumbull Avenue, 50 & 60 feet wide, Lincoln Avenue, 60 feet wide, West Grand Boulevard, 150 feet wide and Holden Avenue, 66 feet wide, described as lying westerly of and abutting the west line of Lots 4 - 13, both inclusive, and lying easterly of and abutting the east line of Lots 16 & 17 and that southerly, 20 feet wide, part of vacated Wade Avenue (vacated Nov. 23, 1915) as platted in "William C. Maybury's Subn. of Lot 18 of Mandlebaum's Subn." of the eastern part of Fractional Section No. 36, T. 1S., R. 11E., and Eastern part of Fractional Section No. 1, T. 2S., R. 11E., Detroit, Wayne County, Michigan, as recorded in Liber 4, Page 95 Plats, Wayne County Records; Also, lying easterly of and abutting the southeasterly line of Lots 2 & 3 and the vacated public alley, 15 feet wide, as platted in "Chope's Subn. of Lots from 18 to 25, inclusive, of William C. Maybury's Subn. of Lot No. 18 of Mandlebaum's Subn." of the eastern part of Fractional Section No. 36, T. 1S., R. 11E., and Eastern part of Fractional Section No. 1, T. 2S., R. 11E., Detroit, Wayne County, Michigan, as recorded in Liber 12, Page 96 Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby conveyed into private a 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 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, retaining or partition walls, 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 return at the entrance (into West Grand Boulevard), 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 heir or assigns; and be it 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, Tinsley-Talabi, and President Hill — 9.

Nays — None.

*WAIVER OF RECONSIDERATION
(No. 113) per motions before adjournment.

Aug. 2, 2000 J.C.C. Rs. 2004-05

