

7

Department of Public Works
City Engineering Division
April 17, 2000

Honorable City Council:

Re: Petition No's 1100 & 1101 — Central United Methodist Church, requesting vacation of commercial alleys in the block bounded by Woodward, Elizabeth, Adams and Witherell.

Petition No's 1100 & 1101 of "Central United Methodist Church", at 23 E. Adams Street, Detroit, Michigan 48226 request the conversion of all the alleys, 14 & 20 feet wide in the block bounded by Woodward, Elizabeth, Adams and Witherell into private easements for public utilities.

The requested conversion(s) have been 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.

The petitioner plans to use the paved alley return entrances (into Woodward, Elizabeth and Witherell), and requests such remain in its present status. Central United Methodist Church shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

The Detroit/Wayne County Stadium Authority and the Detroit Tigers, Inc., as concerned property owners, have no objections to the requested alley vacations.

City departments and privately owned utility companies have reported no objection to the conversion of public rights-of-way into private easements for public utilities. Provisions protecting certain utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

By Council Member Tinsley-Talabi:

Resolved, All of the east-west public alley, 14 & 20 feet wide and the north-south public alley, 20 feet wide, in the block bounded by Woodward Avenue, 120 ft. wd., Witherell Avenue, 60 ft. wd., East Adams Avenue, 50 ft. wd. And East Elizabeth Avenue, 50 ft. wd.; the east-west alley described as lying northerly of and abutting the north line of lots 1-10, both inclusive, lots 40-43, both inclusive and lying southerly of and abutting the south line of lots 44-53, both inclusive; also, the north-south alley described as lying easterly of and abutting the east line of lots 53, 54, 55 and 71 and lying westerly of and abutting the west line of lot 52 as platted in "Plat of Williams Park Lots 1, 2, 3 and 4 as made and adopted by the Commissioners for the Partition of the Estate of John R. Williams" (referred to in their Partition) and their report duly filed, City of Detroit, 1857, as recorded in Liber 1, Page 39, Plats, Wayne County Records;

Be and the same is hereby vacated as public alley(s) and is hereby converted into 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(s) and 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(s) 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(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 adjoin-

ing 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, 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(s) 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(s) at the entrances (into Woodward, Elizabeth and Witherell), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to the 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:

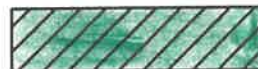
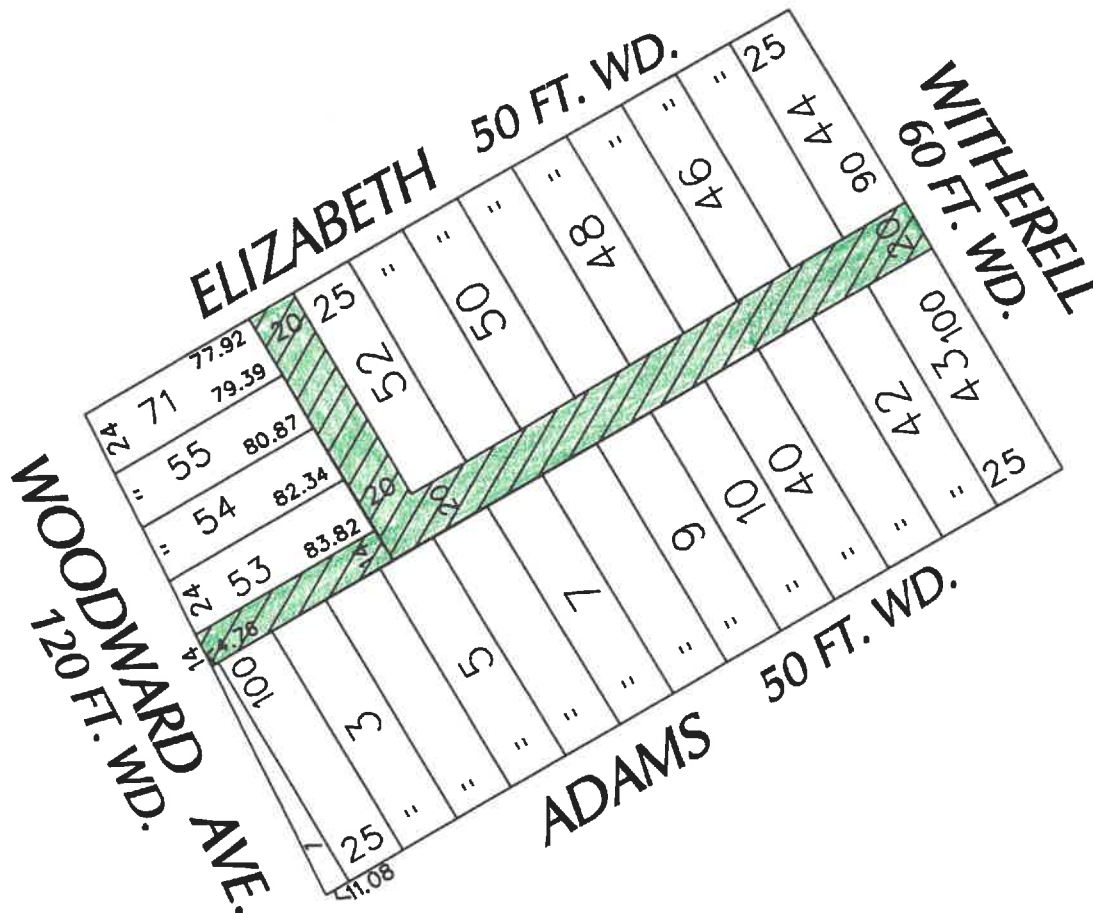
Yeas — Council Members K. Cockrel, Jr., S. Cockrel, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 7.

Nays — None.

APRIL 26, 2000
J.C.K. Pgs. 905-06

PETITION No. 1100 & 1101
 CENTRAL UNITED METHODIST CHURCH
 c/o WILLIAM H. FRANCIS
 3500 PENOBSCOT BUILDING
 645 GRISWOLD ST.
 DETROIT, MI 48226-4217

PHONE: (313) 962-4790
 FAX: (313) 962-0158



REQUESTED CONVERSION
 TO EASEMENT

CARTO 28A

PLAT OF WILLIAMS PARK
 LOTS 1, 2, 3 & 4

(FOR OFFICE USE ONLY)

SCALE: N.T.S.

B A					REQUESTED CONVERSION TO EASEM'T OF THE N-S AND E-W ALLEYS (20 & 14 FT. WD.) IN THE BLOCK BOUNDED BY ADAMS, WITHERELL, ELIZABETH, & WOODWARD AVENUE(S)	CITY OF DETROIT CITY ENGINEERING DEPARTMENT	
						SURVEY BUREAU	
						JOB NO. 01-01	
						DRWG. NO. X1100.DGN	
DESCRIPTION		DRAWN	CHECKED	APPROVED	DATE		
DRAWN BY LGS		CHECKED JDF					
DATE 2-16-99		APPROVED					