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Department of Public Works
City Engineering Division

March 28, 2000

Honorable City Council:

Re: Petition No. 4138 of 1997 — Composite Forging, Inc. requesting the conversion to easement of the public alleys in the block bounded by

18th St., 15th St., W. Jefferson Avenue and W. Fort St.

Petition No. 4138 of "Composite Forging LTD.", an Illinois Limited Partnership, requests the conversion of the north-south public alley, 20 feet wide; and the east-west public alley, 20.16 feet wide, in the block bounded by 18th, 60 ft.

wd., 15th, 60 ft. wd., West Fort Street, 100 ft. wd. and West Jefferson Avenue, 66 ft. wd., into easements for public utilities.

The Planning and Development Department approved the requested conversion into a public utility easement. The petition was referred to the City Engineering Division — DPW for investigation and report. This is our report.

If the petitioner plans to remove the paved alley return entrance (into 15th St. and W. Jefferson). Such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Division — DPW specifications. The petitioner shall pay all incidental alley return removal costs.

All other City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW
By Council Member Hood:

Resolved, Land in the City of Detroit, County of Wayne, Michigan, in the block bounded by 18th Street, 15th Street, West Jefferson Avenue, and West Fort Street; more particularly described as follows: All that part of the east-west public alley, 20.16 feet wide, lying southerly of and abutting the south line of Lot(s) 1 through 5, inclusive, Block 6 of "Plat of the Front Subdivision of the LaFontaine Farm, Private Claim 44, between the Detroit River and Chicago Road", as recorded in Liber 59, Page 154 and 155, Deeds, Wayne County Records; and lying southerly of and abutting the south line of Lot(s) 1 through 5, inclusive, Block 5 of "Plat of the Front Subdivision of the LaFontaine Farm, Private Claim 44, between the Detroit River and Chicago Road", as recorded in Liber 59, Page 154 and 155, Deeds, Wayne County Records; and lying southerly of and abutting the south line of Lot(s) 1 through 4, inclusive, of the "Candler's Subdivision of Lots 20, 21 and 22 of the Subdivision of Stanton Farm and a part of Lot 5, block 5 of the LaFontaine Farm", as recorded in Liber 1, Page 253, Plats, Wayne County Records; and lying northerly of and abutting the north line of lot(s) 6 through 10, inclusive, Block 6 of "Plat of the Front Subdivision of the LaFontaine Farm, Private Claim 44, between the Detroit River and Chicago Road", as recorded in Liber 59, Page 154 and 155, Deeds, Wayne County Records; and lying northerly of and abutting the north line of lot(s) 6 through 10, inclusive, Block 5 of "Plat of the Front Subdivision of

the LaFontaine Farm, Private Claim 44, between the Detroit River and Chicago Road", as recorded in Liber 59, Page 154 and 155, Deeds, Wayne County Records; and lying northerly of and abutting the north line of lot(s) 3, 4 and the north-south public alley, 20 feet wide, of the "Plat of Sub'n of Part of P.C. No. 473, Known as Stanton Farm", as recorded in Liber 47, Page 558 and 559, Deeds, Wayne County Records; Also, all that part of the north-south public alley, 20 feet wide, lying adjacent to lot(s) 4 and 5 of the "Plat of Sub'n of Part of P.C. No. 473, Known as Stanton Farm", as recorded in Liber 47, Page 558 and 559, Deeds, 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 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 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 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) 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 15th and West Jefferson), 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 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, Hood, Scott, Tinsley-Talabi, and President Pro Tem. Mahaffey — 7.

Nays — None.

APRIL 5, 2000
J.C.C. Pgs. 749-51

