

December 20, 2000

Honorable City Council:

RE: Petition No. 1146
Welcome Missionary Baptist Church
Alley to Easement
western part of east-west public alley
north of Mack between Philip and Manistique

Petition No. 1146 of "Welcome Missionary Baptist Church" requests the conversion of a western part of the east-west public alley, 18 feet wide, north of Mack Avenue between Philip and Manistique Avenues into a private easement for public utilities.

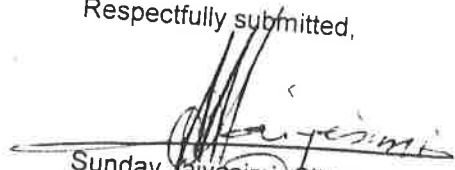
Traffic Engineering Division - DPW, and Solid Waste Division - DPW approved the requested conversion. The petition was referred to the City Engineering Division - DPW for investigation (utility review) and report. This is our report:

"Welcome Missionary Baptist Church" plans to use the paved alley return entrance (into Philip Avenue) and requests such remain in its present status. "Welcome Missionary Baptist Church" shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies 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 Jayesimi, City Engineer
City Engineering Division - DPW

MCD: AM

Attachment

Cc: Director, Department of Public Works
Mayor's Office

BY COUNCIL MEMBER: _____

RESOLVED, All of a westerly part of the east-west public alley, 18 feet wide, north of Mack Avenue between Philip and Manistique Avenues lying southerly of and abutting the south line of Lot 31; also lying northerly of and abutting the north line of the westerly 11.74 feet of Lot 26, and Lots 27 through 30 of "Edwin Lodge Subdivision of part of Private Claim 120, North of Mack Avenue, Townships of Gratiot and Grosse Pointe," City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Plats, Page 10, Wayne County Records;

Be and the same is hereby vacated as part of a public alley and is hereby converted into a private 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 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 fence; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) 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,

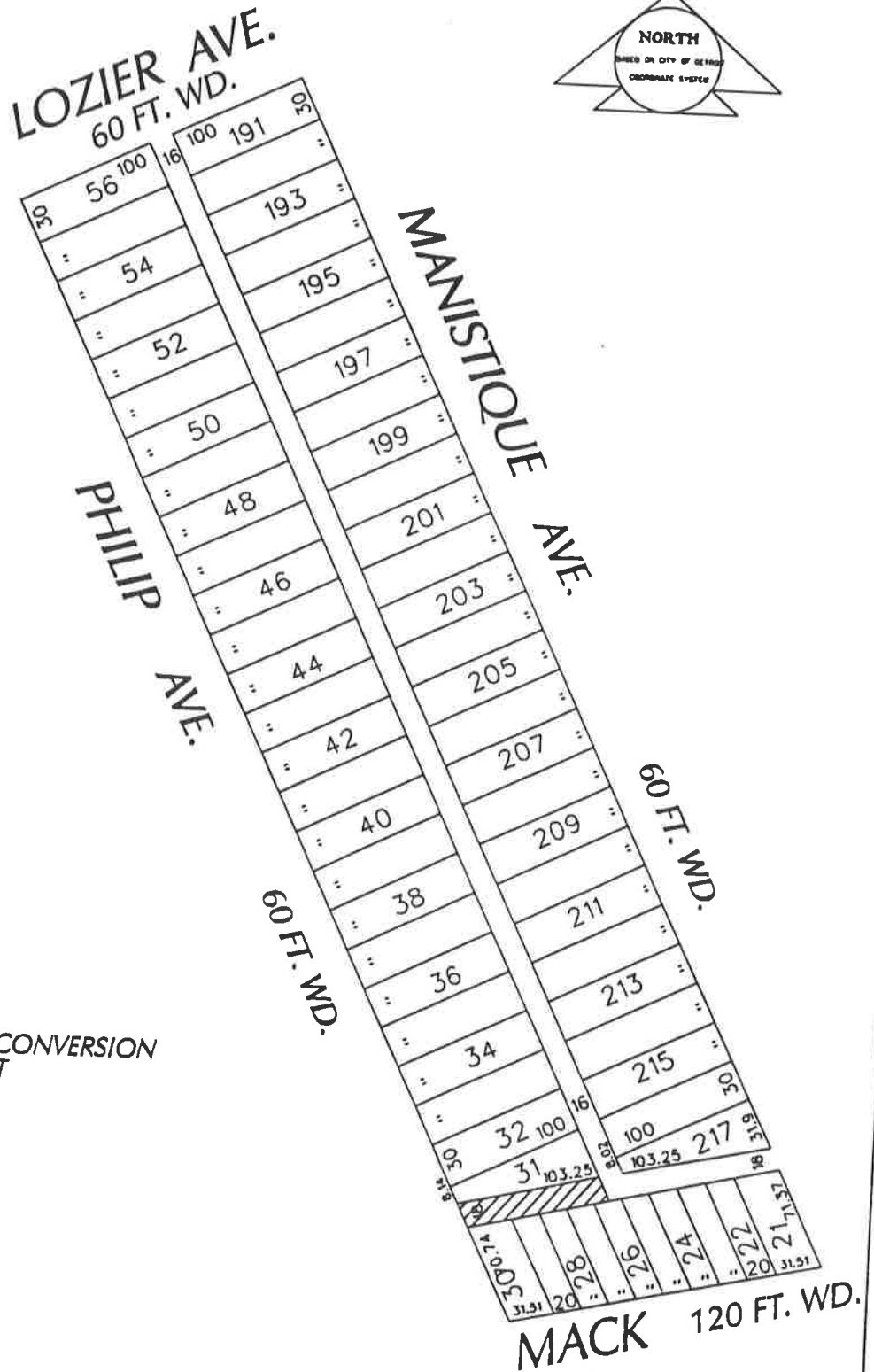
FIFTH, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 alley return at the entrance (into Philip Avenue), 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 "Welcome Missionary Baptist Church", 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.

PETITION No. 1146
 WELCOME MISSIONARY BAPTIST CHURCH
 c/o RUTH KENNEDY
 14625 MACK AVENUE
 DETROIT, MI 48215

PHONE: (313) 881-8095



 REQUESTED CONVERSION TO EASEMENT

CARTO# 63A
 EDWIN LODGE SUBD.

SCALE: N.T.S.

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRAWN	CHECKED	APPD	DATE	REVISIONS
DRAWN BY LGS	CHECKED JDF				
DATE FEB.22,1999	APPROVED				

REQUESTED CONVERSION TO EASEMENT OF THE WESTERLY PORTION OF THE E-W ALLEY (18 FT. WD.) IN THE BLOCK BOUNDED BY MACK, MANISTIQUE, LOZIER AND PHILIP AVENUE

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01
 DRWG. NO. X1146.DGN