

April 24, 2000

HONORABLE CITY COUNCIL:

RE: Petition No. 1442 – West Village Association / St. John Riverview Hospital, requests the closing of certain public alleys in the area of E. Lafayette, Seyburn and Van Dyke Place.

Petition No. 1442 of “West Village Association / St. John Riverview Hospital” requests the conversion of the north-south public alley, 20 feet wide, east of Seyburn and south of Van Dyke Place, the north-south, 20 feet wide & east-west, 30 feet wide, public alley(s) west of Seyburn and south of East Lafayette into private easement(s) 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.

The City of Detroit is owner in fee of the east-west public alley, 30 feet wide, south of E. Lafayette and west of Seyburn. The public alley was acquired by deed on October 8, 1986 J.C.C. Pgs. 1912 – 14. Therefore, the Finance Director must execute a Quit-Claim deed to transfer the vacated public right-of-way to the adjacent property owners.

The petitioner plans to use the paved alley return entrances (into E. Lafayette, Seyburn, and Van Dyke Pl.) and request such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

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,

William Talley
for

Sunday Jaiyesimi, City Engineer
City Engineering Division – DPW

JDF: jdf

Cc: Stephanie R. Green, Interim Director – DPW
Gerarda McCarthy, Mayor's Office

BY COUNCIL MEMBER: _____

RESOLVED, All that part of the north-south public alley, 20 feet wide, east of Seyburn and south of Van Dyke Place, lying easterly of and abutting the east line of Lot(s) 5 – 9, both inclusive, and lying westerly of and abutting the west line of Lot 10; Also, all that north-south public alley, 20 feet wide, west of Seyburn and south of East Lafayette, lying westerly of and abutting the west line of Lot(s) 181 – 186, both inclusive, and lying easterly of and abutting the east line of Lot(s) 207 – 212, both inclusive; also, that part of the east-west public alley, 30 feet wide, (deeded to the City of Detroit October 8, 1986 J.C.C. Pgs. 1912 – 14) lying southerly of and abutting the south line of Lot 186, as platted in “Wesson’s Subdivision of that part of Private Claim 38 lying between Jefferson Avenue and Waterloo Street”, City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 91, 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 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, 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,

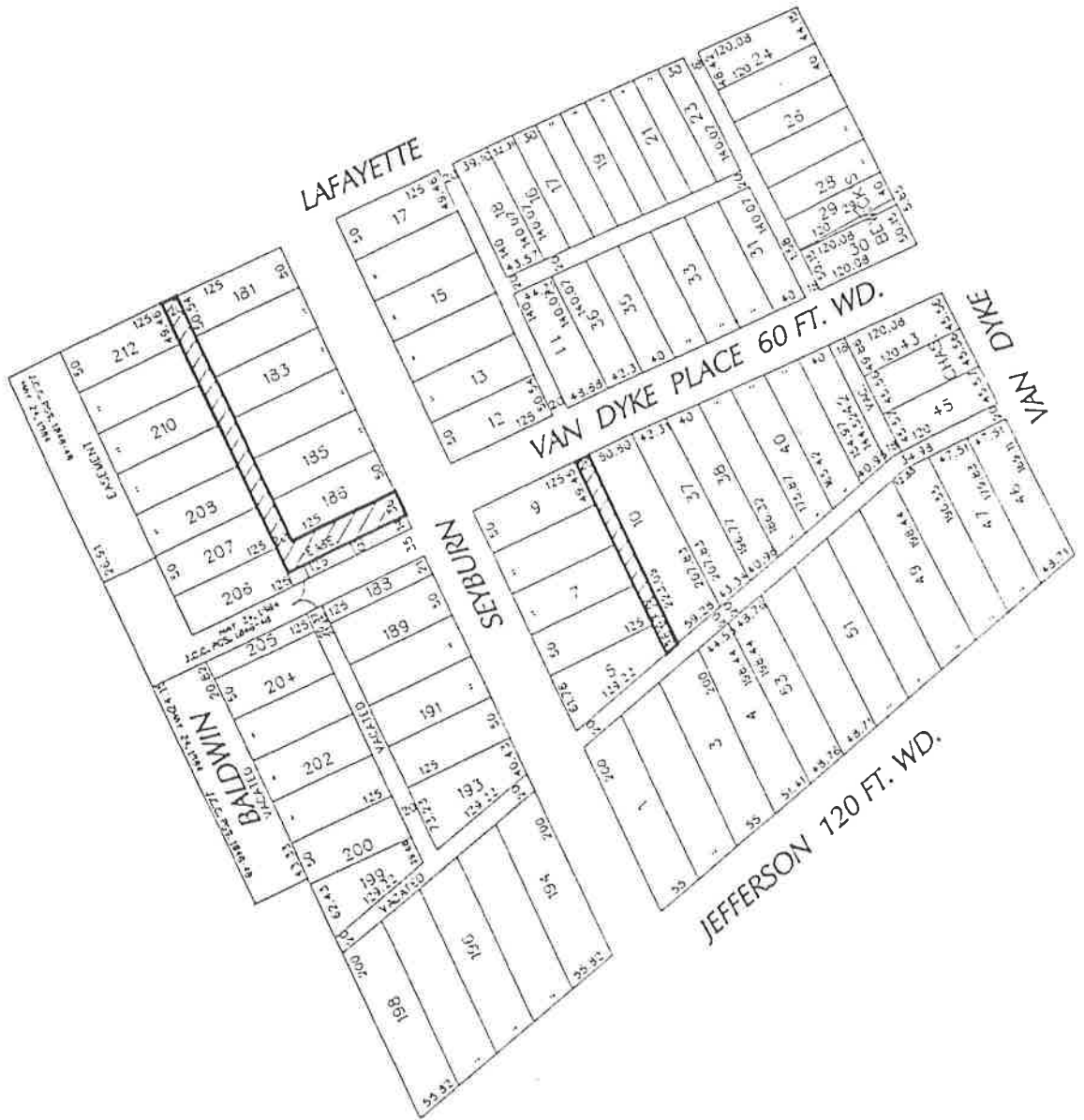
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 E. Lafayette, Seyburn and Van Dyke Pl.), 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; and be it further

PROVIDED, That the Finance Director is hereby authorized and directed to issue a Quit-Claim Deed to transfer the following vacated public (alley) right-of-way to the adjacent property owners for the fair market value and/or other valuable considerations:

Land in the City of Detroit, Wayne County, Michigan being the north 30.00 feet of Lot 187 of “Wesson’s Subdivision of that part of Private Claim 38 lying between Jefferson Avenue and Waterloo Street”, City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 91, Plats, Wayne County Records (said part of lot having been deeded to the City of Detroit for a public alley on October 8, 1986 J.C.C. Pgs. 1912 – 14); containing 3,750 square feet or 0.0861 acres more or less; subject to a private easement for public utilities.



REQUESTED CONVERSION TO EASEMENT

MOSES W. FIELD'S SUB'N
 CARTO NO.46-E

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
N.R.P.					
7.12.99					

REQUESTED CONVERSION TO EASEMENT THE ALLEYS
 AS INDICATED IN ABOVE DRAWING
 IN THE BLOCK BOUND BY JEFFERSON, VAN DYKE,
 BALDWIN, LAFAYETTE.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X1442.DGN