

May 13, 2000

Honorable City Council:

RE: Petition No. 1923 – Thomas V. Potoniec / Pioneer Sales Ace Hardware, requesting alley closure in the area of Trenton and Ogden.

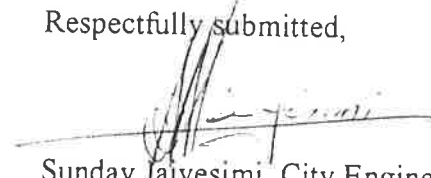
Petition No. 1923 of “Thomas V. Potoniec / Pioneer Sales Ace Hardware”, request the conversion of the north-south public alley, 16.00 feet wide, in the block bounded by Trenton Avenue, 50 feet wide, Ogden Avenue, 50 feet wide, McGraw Street, 86 feet wide, and Henderson Avenue, 50 feet wide, into a private 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 Jalyesimi, 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, 16.00 feet wide, in the block bounded by Trenton Avenue, 50 feet wide, Ogden Avenue, 50 feet wide, McGraw Street, 86 feet wide, and Henderson Avenue, 50 feet wide, the westerly 8.00 feet lying easterly of and abutting the east line of Lots 104 - 113, both inclusive, except that part of Lot 113 taken for the dedication of McGraw Avenue, of "National Park Subdivision of the Easterly part of W. 1/2 of P.C. 41 lying north of Michigan Ave." Twp. of Springwells, Wayne Co., Michigan, as recorded in Liber 33, Page 40 Plats, Wayne County Records, and the easterly 8.00 feet lying westerly of and abutting the west line of Lots 442 - 449, both inclusive, except that part of Lot 449 taken for the dedication of McGraw Avenue, of "Smart Farm Subdivision of part of Fractional Section 9, T. 2S., R. 11 E., and part of Private Claims 41 and 36," Springwells Twp., Wayne County, Michigan as recorded in Liber 34, Pages 32 & 33, Wayne County Records;

Be and the same is hereby vacated as 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 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,

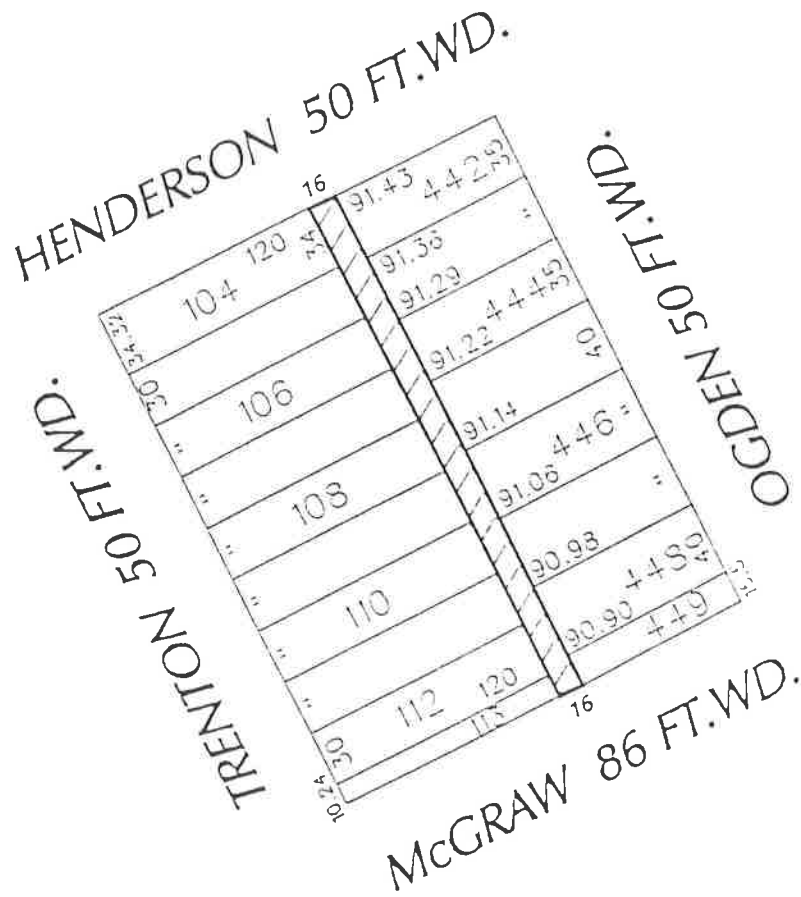
Fourth, That if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 entrances (into Henderson and McGraw), 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.

THOMAS V. POTONIEC
 PIONEER SALES
 5603 OGDEN
 PHONE NO. 313.841.8800



REQUESTED CONVERSION TO EASEMENT

CARTO. 5-E
 SMART FARM SUB'N

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
DATE	APPROVED				
	N.R.P.				
	11.22.99				

REQUESTED CONVERSION TO EASEMENT THE N/S
 OPEN PUBLIC 16 FT. WD. ALLEY IN THE BLK. BND.
 BY MCGRAW, TRENTON, HENDERSON, AND
 OGDEN.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X1923 DCN

City of Detroit

OFFICE OF THE CITY CLERK

Jackie L. Currie
City Clerk

Vernon C. Allen
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

February 7, 1996

TO: THE DEPARTMENT OR COMMISSION LISTED BELOW

FROM: THE CITY CLERK

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within the usual time limit.

Thank you.

PLANNING AND DEVELOPMENT DEPARTMENT

- 1907 KLEIN/DEXTER L.L.C., requesting to vacate commercial alley in the area of 12707-12745 Dexter.
- 1915 DETROIT EDISON, request to formally vacate commercial alleys located inside their parking lots at their Downtown Detroit headquarters in vicinity of Third, Bagley, etc.
- 1917 KAREN FORT, requesting alley closure in the area of Harrell, Norcross, Ford Service Drive, and Hern.
- 1918 ANJADO FARAY, requesting alley closure in the area of East Eight Mile Road, Hamlet, Ryan and Dean.
- 1919 JOHN TURNER, requesting alley closure in the area of Fullerton and Sturtevant.
- 1920 ELLA RANDOLPH COOKE, requesting alley closure behind the Detroit Public Schools Area C Service Center located at 14111 Puritan.
- 1921 DANIEL, MANN, ET. AL., requesting alley closure in the 1800 block of Webb Avenue.
- 1922 BASIL NAFSU, request to vacate the commercial alley in the rear of 10320 Plymouth between Birwood and Griggs.
- ✓ 1923 THOMAS V. POTONIEC, requesting alley closure in the area of Trenton and Ogden.
- 1924 ORA BROWN, requesting alley closure in the area of Eastwood and Saratoga.

