

# City of Detroit

CITY COUNCIL

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President Pro Tem

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October 18, 2002

Mr. Ulysses Burdell, Interim Deputy Director  
Department of Public Works

**RE: Petition of Obie Moore, et al (#292), for conversion of alley to easement in the area of Warren and Fifteenth**

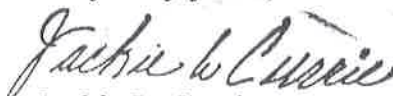
Dear Mr. Burdell:

At the recommendation of the City Planning Commission, the City Council is **withholding approval** of the above captioned petition pending results of a Department of Public Works department hearing.

It is respectfully requested that a department hearing be held regarding this matter and that a report be provided indicating the results.

An early report will be appreciated. A copy of the Clerk's notes are being provided for your convenience.

Very truly yours,



Jackie L. Currie  
City Clerk

**RECEIVED**  
CITY ENGINEERING DIV.-DPW

OCT 24 2002

rjj

By \_\_\_\_\_

Enclosure

cc: Mr. Derrick Miller, Chief Administrative Officer, Mayor's Office  
Ms. Liz Irby, Mayor's Office  
Mr. Sunday Jaiyesimi, Department of Public Works-City Engineering Div.

Jackie L. Currie, City Clerk  
200 Coleman A. Young Municipal Center • Detroit, Michigan 48226  
(313) 224-3266

*CEED -  
Jim Foster*

FRIDAY, OCTOBER 11, 2002 - LINE ITEM NO. 7

RE: PUBLIC WORKS DEPT./CITY ENG. DIV. SUBMITTING RESO. AUTHO.  
PETITION OF OBIE MOORE, ET AL, (#292), FOR CONVERSION OF ALLEY  
TO EASEMENT IN THE AREA OF WARREN AND FIFTEENTH

**BATES:** We will authorize the petition.

**MARSHA BRUHN** (City Planning Comm): It has come to our attention that this is an alley that was illegally closed previously and then was re-opened by the city; for now, there is this new request for officially closing the alley. Mr. Bolger, of my office, this morning made me aware that there are a number of concerns from people in the area and adjacent property owner to the alley with regards to the kind of traffic congestion that has been caused in the area aggravated by the alley closing. WE WOULD LIKE FOR YOU TO HOLD ACTION ON THIS AND ASK THE PUBLIC WORKS DEPARTMENT TO HOLD A DEPARTMENT HEARING because there are a number of people who are very concerned about this alley closing and we think that is a better way to resolve it. I understand it is a partial alley closing and we just went through this yesterday with City Council. Again, maybe the department only notified the people who are adjacent to the portion of the alley to be closed and not all of the people who will be impacted by the alley closing. We really think they need to do more work on it and have a hearing and allow various parties including St. Leo's Church and George Crockett Academy, both of which are across the street, but apparently impacted by this.

**BATES:** We will get a date for a hearing.

**BRUHN:** *The department should hold the hearing and then report back to the City Council.*

Denise Young



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

NOTE TO COUNCIL:  
THIS MATTER WILL BE  
BROUGHT INTO COMMITTEE  
ON FRIDAY OCT 11 2002

900 CADILLAC TOWER  
DETROIT, MICHIGAN 48226  
PHONE 313•224•3949  
FAX 313•224•3471  
WWW.CI.DETROIT.MI.US

*PS*

October 8, 2002

Honorable City Council:

RE: Petition No. 292 – Obie Moore et. al., for conversion of alley to easement in the area of Warren and Fifteenth.

Petition No. 292 of “Obie Moore et. al.”, request the conversion of the East – West open public alley, 20 feet wide, in the block bounded by West Warren Avenue, 70 feet wide, West Grand River Avenue, 100 feet wide, and Fifteenth Street, 60 feet wide into a private easement for 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.

If the petitioner at any time plans to discontinue use of the paved alley return entrance (into W. Warren Avenue and Fifteenth Street), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objection 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,

10 OCT 02 9:43

Sunday Jayesimi, City Engineer  
City Engineering Division – DPW

--CITY CLERK--

NRP/

Cc: Ulysses Burdell, Interim Deputy Director – DPW  
Mayor’s Office – City Council Liaison

FRIDAY OCT 11 2002

*Hold per CPC of ask  
DPW  
ppro to have hearing (more)*

Copy given Council  
OCT 10 2002 (RWB)

BY COUNCIL MEMBER: \_\_\_\_\_

RESOLVED, All that part of the North – South public alley, 20 feet wide, in the block bounded by West Warren Avenue, 70 feet wide, West Grand River Avenue, 100 feet wide, and Fifteenth Street, 60 feet wide, lying Westerly of and abutting the West line of Lot 1, and lying Easterly of and abutting the East line of Lots 2 and 3, in the “Obrien’s Subdivision of the east ½ of the Lafontains Farm lying between Grand River and Warren Avenues and Lots 437 to 441, both inclusive, of the Subdivision of the Godfroy Farm north of Grand River Avenue” as recorded in Liber 20 Page 44, Plats, Wayne County Records, and adjoining part of P.C. 44 in above said block, also abutting the public alley vacated by Board of Aldermen June 30, 1885; vacated by Councilmen July 10 1885;

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, 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 return at the entrance (into Warren Avenue and Fifteenth Street), 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.



**City of Detroit**  
OFFICE OF THE CITY CLERK

Jackie L. Currie  
City Clerk

Vernon C. Allen  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

April 10, 2002

**RECEIVED**  
CITY ENGINEERING DIV.-DPW

APR 22 2002

To: The Department or Commission Listed Below

From: Jackie L. Currie  
Detroit City Clerk

By \_\_\_\_\_

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 four (4) weeks.

**/PUBLIC WORKS DEPARTMENT - CITY ENGINEERING DIVISION/**

- 276** Architectural Design & Construction/Fouad Hannoui, for conversion of alley to easement in the area of Livernois and Michigan.
- 280** Chapel Hill Citizens District Council/Madison, Madison International, for conversion of alley to easement in the area of Riviera, Yosemite and Joy.
- 289** A-1 Collision, Inc., for conversion of alley to easement in the area of Puritan, Stoepel and Livernois.
- 292** Obie Moore, et al, for conversion of alley to easement in the area of Warren and Fifteenth.
- 296** Ford Field Management Company, for temporary closure of Beacon, in the area of St. Antoine and Brush, October 8 thru 13, 2002.
- 304** Detroit Entertainment, L.L.C. d/b/a Motor City Casino, for encroachment upon sidewalk on Grand River in front of casino for planters.

CRATED 20A  
LVM 40

**City of Detroit**  
OFFICE OF THE CITY CLERK

Jackie L. Currie  
City Clerk

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PETITION FOR CONVERSION OF ALLEY TO EASEMENT  
 Detroit, MI

(292) Date 4/1/02 2002

TO THE HONORABLE CITY COUNCIL:

Gentlemen: We, the undersigned owners of the property abutting the alley:

Between WARREN ST AND 15th Street

Location of Alley

do respectfully petition your Honorable Body to vacate said alley and convert same into a public easement.

Further, the undersigned representing not less than two-thirds (66-2/3%) ownership of property abutting said alley hereby agree that all existing utilities in said alley are to remain in their present location, and that if at any time in the future a request is made to remove or relocate any existing poles or other utilities in the easement, the property owners making such request and upon whose property the pole or other utilities are located will pay all costs incurred in such removal or relocation unless such charges are waived by the utility owners.

We do further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon the easement or any part thereof, so that said easement shall be forever accessible for maintenance of utilities.

SPONSORING PETITIONER Obie Moore 12660 Greenfield, Det MI 248-789-6329  
 (Name) (Address) (Phone No.)

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
1-4	<u>Obie Moore</u>		<u>4884-4892 Grand River</u>	<u>4/1/02</u>
1-2	<u>Obie Moore</u>		<u>4885 15th ST Detroit, MI</u>	<u>4/1/02</u>
	<u>Frank A. Hood</u>	<u>US AUTO SUPPLY</u>	<u>2346 W. WARREN DETROIT MI</u>	<u>4/1/02</u>

See Deed Attached

4 APR 02 4:31  
 --CITY CLERK--

V. D. ... all ...