



June 25, 2002

Honorable City Council:

RE: Petition No. 3939 – Omar Hawari, et. al., requesting for conversion of alley to easement in the area of Edsel Ford Hwy., Whitehead, and Livernois.

Petition No. 3939 of “Omar Hawari, et. al”, request the conversion of the North – South public alley, 20 feet, in the block bounded by Livernois Avenue, 120 feet wide, Gilbert Avenue, 50 feet wide, Edsel Ford Freeway, and Whitehead Avenue, 39.8 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.

If the petitioner at any time plan to discontinue use of the paved alley return entrance (into Edsel Ford Freeway and Whitehead Avenue), 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 this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,


Sunday Jalyesimi, City Engineer
City Engineering Division – DPW

NRP/

Cc: Ulysses Burdell, Interim Deputy Director – DPW
Gerarda McCarthy, Mayor’s Office

BY COUNCIL MEMBER: _____

RESOLVED, all that part of the North – South public alley, 20 feet wide, lying Easterly of and abutting the East line of lot 41, also lying Westerly of and abutting the West line of Lots 5 through 8, both inclusive, in the “Andrew J. Linzee’s Subdivision of the Southerly half of Lot (7) Seven of Campaus Subdivision of Private Claim 266 Township of Springwells Wayne County Michigan, T.2S.R.11E.” as recorded in Liber 8 Page 22, 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, 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,

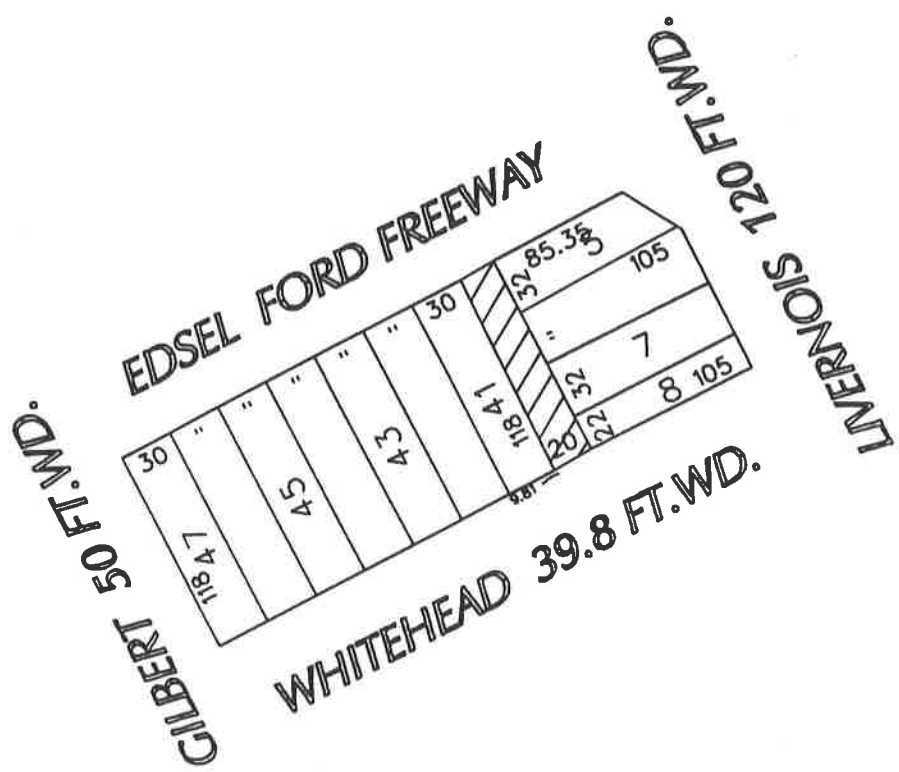
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 Edsel Ford Freeway and Whitehead 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 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.



PETITION NO. 3939
OMAR HAWARI, et.al.,
6942 NICKEL ST.
PHONE NO. 313-849-5565



- REQUESTED CONVERSION TO EASEMENT

CARTO 13 B

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRAWN	CHEK	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
DATE	APPROVED				
NP					
8-17-01					

REQUESTING CONVERSION TO EASEMENT THE OPEN PUBLIC ALLEY, 20 FT.WD., IN THE BLOCK BOUNDED BY LIVERNOIS, GILBERT, WHITEHEAD AND EDSEL FORD FREEWAY.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG.NO.	x3939.dgn