



May 19, 2003

Honorable City Council:

RE: Petition No. 1904 – Detroit Edison, requesting conversion of alley to Easement and the Temporary Closing of an alley in the block bounded By Russell, Riopelle, Lyman Place and E. Milwaukee.

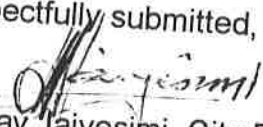
Petition No. 1904 of "Detroit Edison", requests the Closing, on a temporary basis for a period of five (5) years, of the north-south public alley, 20 feet wide, and the conversion of the east-west public alley, 17.78 feet wide, into a easement for utilities, all within the block bounded by Russell Avenue, 60 feet wide, Riopelle Street, 50 feet wide, and East Milwaukee, 60 feet wide.

The request was approved by the Planning and Development Department, the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW with certain restrictions. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The Detroit Water and Sewerage Department Ameritech/Michigan Bell Telephone Company, Comcast Cablevision, Detroit Edison Company and the Fire Department (all) will require unimpeded access to service the public and/or their existing facilities. Any fence and gate installation must provide 15 feet horizontal and 13 feet vertical clearance(s) for utility maintenance vehicles.

All other City departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities. An appropriate resolution, containing the necessary conditions, is attached for consideration by your Honorable body.

Respectfully submitted,


Sunday Jaiyesimi, City Engineer
City Engineering Division – DPW

JDF: jdf

cc: Ulysses Burdell, Deputy Director – DPW
Kandia Milton, Mayor's Office

BY COUNCIL MEMBER: _____

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue a permit to "Detroit Edison Company" at 2000 Second Ave., Detroit, Michigan 48226, to close that part of the north-south public alley, 20 feet wide, in the block bounded by Russell Avenue, 60 feet wide, Riopelle Street, 50 feet wide, Lyman Place, 50 feet wide and East Milwaukee, 60 feet wide, lying Easterly of and abutting the East line of Lots 7 through 13, both inclusive, and lying Westerly of and abutting the West line of Lots 14 and 37 of "Stocking's Subdivision of the South part of lot 17 on Sections 29 & 32, T. 1S., R. 12E.", City of Detroit, Wayne County, Michigan, as recorded in Liber 8, Page 39, Wayne County Records; on a temporary basis (for a period of five (5) years) to expire on June 1, 2008;

Provided, That the petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing; and

PROVIDED, The permit shall be issued after the petitioner has recorded a certified copy of this resolution with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs; and

PROVIDED, The property owned by the petitioner and adjoining the temporary public closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the alley; and

PROVIDED, No buildings or other structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fence), shall be constructed on or over the alley. The petitioner shall observe the rules and regulations of the City Engineering Division – DPW. The City of Detroit retains all rights and interests in the temporarily closed public alley. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the City and utility companies; and

PROVIDED, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division – DPW by the petitioner at the petitioner's expense; and

PROVIDED, The petitioner's fence and gate installation shall provide 15 feet horizontal and 13 feet vertical clearance(s) for utility maintenance vehicles; and

PROVIDED, This resolution is revocable at the will, whim or caprices of the Detroit City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

PROVIDED, This permit shall not be assigned or transferred without the written approval of the Detroit City Council; also

RESOLVED, That all that part of the east-west public alley, 20 feet wide, in the block bounded by Russell Avenue, 60 feet wide, Riopelle Street, 50 feet wide, Lyman Place, 50 feet wide and East Milwaukee, 60 feet wide, lying Southerly of and abutting the South line of Lots 14 through 23, both inclusive, and lying Northerly of and abutting the North line of Lots 28 through 37, both inclusive, of said "Stocking's Subdivision of the South part of lot 17 on Sections 29 & 32, T. 1S, R. 12E." City of Detroit, Wayne County, Michigan, as recorded in Liber 8, Page 39, 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,

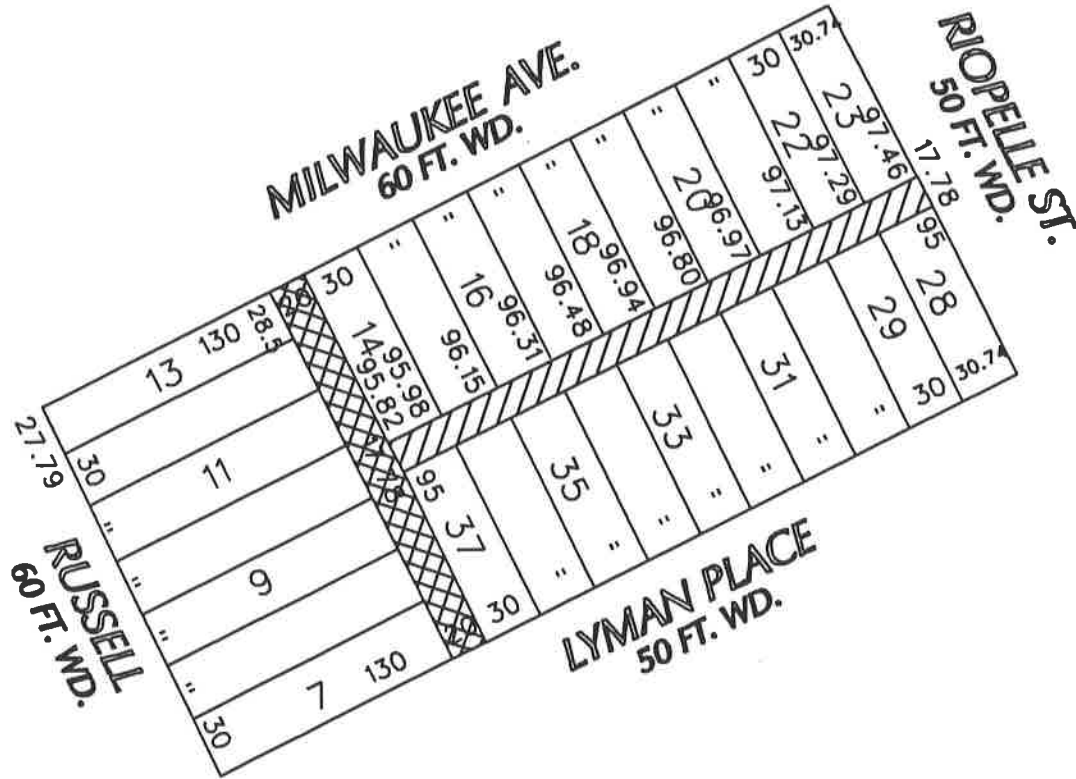
Fourth, That if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 returns at their entrances, 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. 1904
DETROIT EDISON
 c/o PAUL W. PORTER
 2000 SECOND AVE.
 ROOM 2310 WCB
 PHONE: 313.235.8321



REQUESTED TEMPORARY CLOSING



REQUESTED CONVERSION TO EASEMENT

CARTO 41D
STOCKINGS (PLATS) SUB'N

(FOR OFFICE USE ONLY)

SCALE: N.T.S.

B					REQUESTING CONVERSION TO EASEMENT OF THE E/W ALLEY BOUND BY RUSSELL, RIOPELLE, MILWAUKEE, AND LYMAN, ALSO, THE TEMPORARY CLOSING OF THE NORTH-SOUTH PUBLIC ALLEY.	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU
	A					
DESCRIPTION		DRAWN	CHEKED	APPRO	DATE	JOB NO. 01-01
DRAWN BY		CHECKED		APPROVED		DRWG. NO. X1904.DGN
DATE						