

August 4, 2005

Honorable City Council:

RE: Petition No. 3775 – El Zocalo Mexican Restaurant, requesting permanent approval of outdoor café, in the area of Bagley and 23<sup>rd</sup> Street(s).

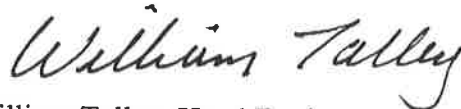
Petition No. 3775 of “El Zocalo Mexican Restaurant”, at 3400 Bagley St., Detroit Michigan 48216, is requesting the permanent approval of a outdoor café within a portion of the east-west public alley, 16.00 feet wide, in the block bounded by 24<sup>th</sup> St., 60 feet wide, 23<sup>rd</sup> St., 60 feet wide, Bagley Ave., 60 feet wide, and W. Vernor Hwy., variable width. After further investigations by the Planning and Development Department and the City Engineering Division – DPW, it is the recommendation of said city departments that the portion of said alley be converted into a private easement for public utilities.

The request was approved by the Planning and Development Department, 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 other 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, Head Engineer  
City Engineering Division – DPW

JDF: jdf

cc: James A. Jackson, Director – DPW  
Kandia Milton, Mayor’s Office

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

RESOLVED, All that part of the east-west public alley, 16.00 feet wide, in the block bounded by 24<sup>th</sup> Street, 60 feet wide, 23<sup>rd</sup> Street, 60 feet wide, Bagley Avenue, 60 feet wide, and West Vernor Highway, (variable width), lying southerly of and abutting the south line of Lot 2 and lying northerly of and abutting the north line of the easterly 19.95 feet of Lot 9 and all of Lots 10 – 13, inclusive, of "Subdivision of part of Bresler's Sub'n of a part of the Porter Farm between Leverette & Fabbri Sts.", City of Detroit, Wayne County, Michigan, as recorded in Liber 7, Page 4 of Plats, 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,

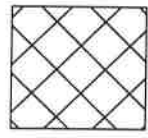
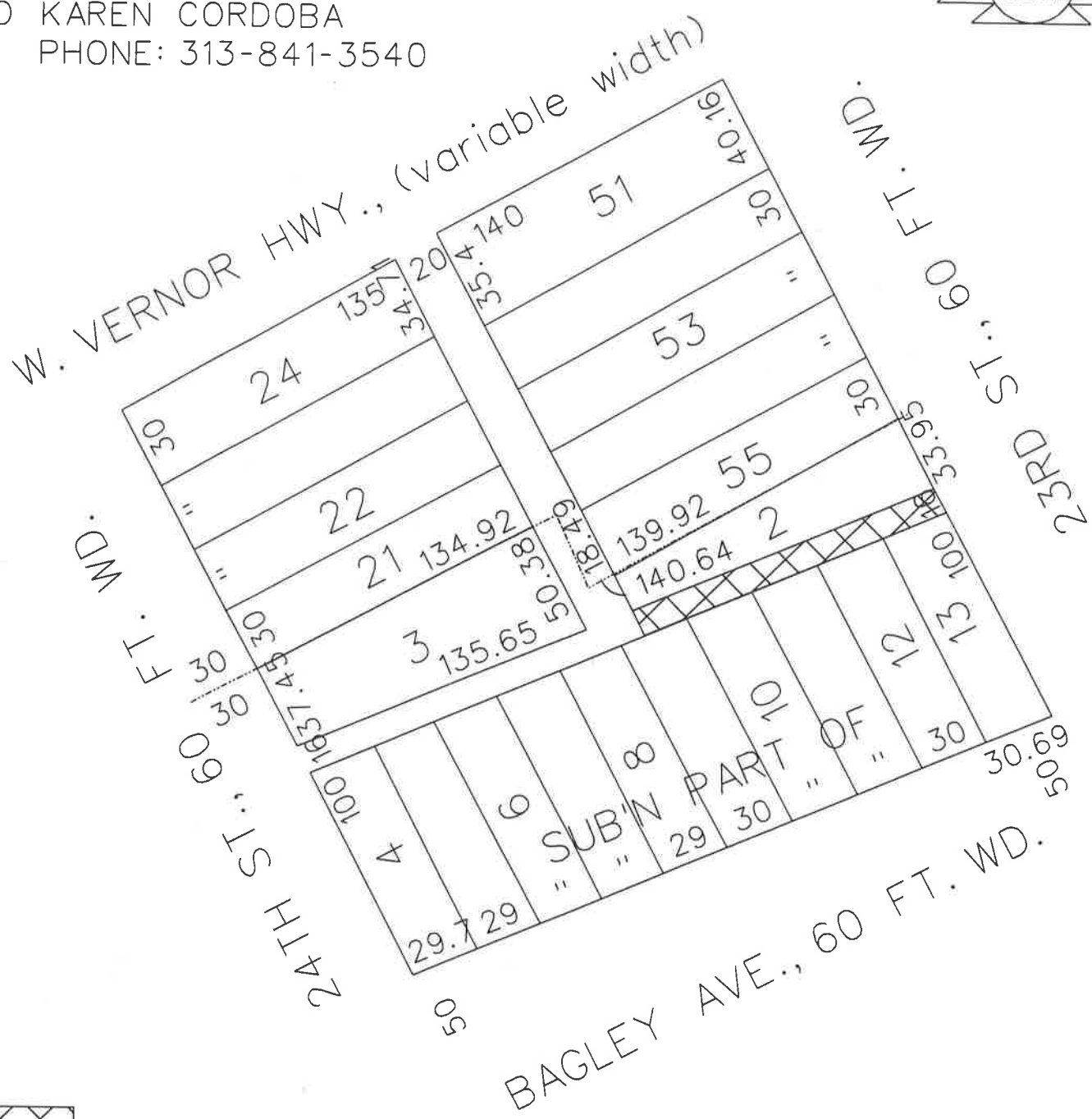
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 3775  
 EL ZOCALO MEXICAN RESTAURANT  
 3400 BAGLEY AVE., DET., MI. 48216  
 C/O KAREN CORDOBA  
 PHONE: 313-841-3540



REQUESTED EASEMENT

CARTO. NO. 18-C

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	JDF	CHECKED	JDF		
DATE	7/29/05	APPROVED	JDF		

REQUESTED CONVERSION TO EASEMENT

**CITY OF DETROIT**  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. \_\_\_\_\_

DRWG. NO. \_\_\_\_\_