

May 30, 2006

Honorable City Council:

RE: Petition No. 4417 – Golden Laser Dental Center, for vacation of the alley in the area of Kelly Road and Moross Street.

Petition No. 4417 of “Golden Laser Dental Center” whose address is 18525 Moross Avenue, Detroit, Michigan 48224, request for an outright vacation of a 5.00 feet portion of the East – West public alley, 20 feet wide in the block bounded by Kelly Avenue, 155 feet wide, Riad Avenue, 60 feet wide, McCormick Avenue, 60 feet wide, Moross Avenue, 204 Feet wide for the expansion of the Golden Dental Office.

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 clearance) and report. This is our report.

The Detroit Water Sewerage Department (DWSD) reports no objection to the requested outright vacation provided that an easement is retained in that portion of the alley to be vacated for sewer purposes. In addition, the petitioner will be permitted to encroach into the sewer easement. Drawings of the proposed encroachment are to be approved by the DWSD prior to construction and the work is subject to inspection by DWSD. Also, the petitioner will be responsible for any damage to DWSD’s facilities caused by the encroachment and also agrees to hold DWSD harmless for any damage to the encroaching device caused by a failure of DWSD’s facilities. Provision for conversion to easement and for encroaching are part of the resolution.

Detroit Edison Company – Electric (DTE) reports overhead lines in the north lead of the East – West public alley. DTE have no objection to the requested 5.00 feet outright vacation provided that the overhead lines are not disturbed.

All other city departments and private utility companies have reported no objections to the changes of the public rights-of-way. Provisions protecting utility installations are part of this resolution (if necessary)

I am recommending adoption of the attached resolution.

Respectfully submitted,



William Talley, Head Engineer
City Engineering Division – DPW

NRP/

Cc: Cathy Square, Director – DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, All that part of the South 5.00 feet of the public alley, 20 feet wide, in the block bounded by Kelly Avenue, 155 feet wide, Riad Avenue, 60 feet wide, McCormick Avenue, 60 feet wide, Moross Avenue, 204 Feet wide lying Easterly of and abutting the East line of Lots 645 through 648, both inclusive, all in the "East Park Manor No. 1" being a Subdivision of part of P.C.'s 123 and 617, City of Detroit and Township of Gratiot - Wayne County, Michigan as recorded in Liber 55 Page 75, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions;

PROVIDED, That an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants, and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

PROVIDED, That free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes, or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

PROVIDED, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points of deflection; and be it further

PROVIDED, That said owners of the adjoining property, for themselves, theirs heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc. shall be built upon or over said easements, or that no grade changes or storage of materials shall be made within said easements without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

PROVIDED, That if at any time in the future, the owners of any lots abutting on said vacated streets shall request the removal and/or relocation of the aforementioned utilities in said easements shall break or be damage as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incident to the repair of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; and be it further

PROVIDED, That by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the alley, and at all time, DWSD, its agents or employees, shall have the rights to enter upon the alley to maintain, repair, alter, service, inspect, or install its facilities. All cost incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection by DWSD shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the alley, shall be borne by DWSD; and be it further

PROVIDED, That all construction performed under this petition shall not be commenced until after five (5) days written notice to DWSD. Seventy-two (72) hours notice shall also be provided In accordance with P.A. 53 1974, as amended, utilizing the miss dig one call system; and be it further

PROVIDED, That construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and be it further

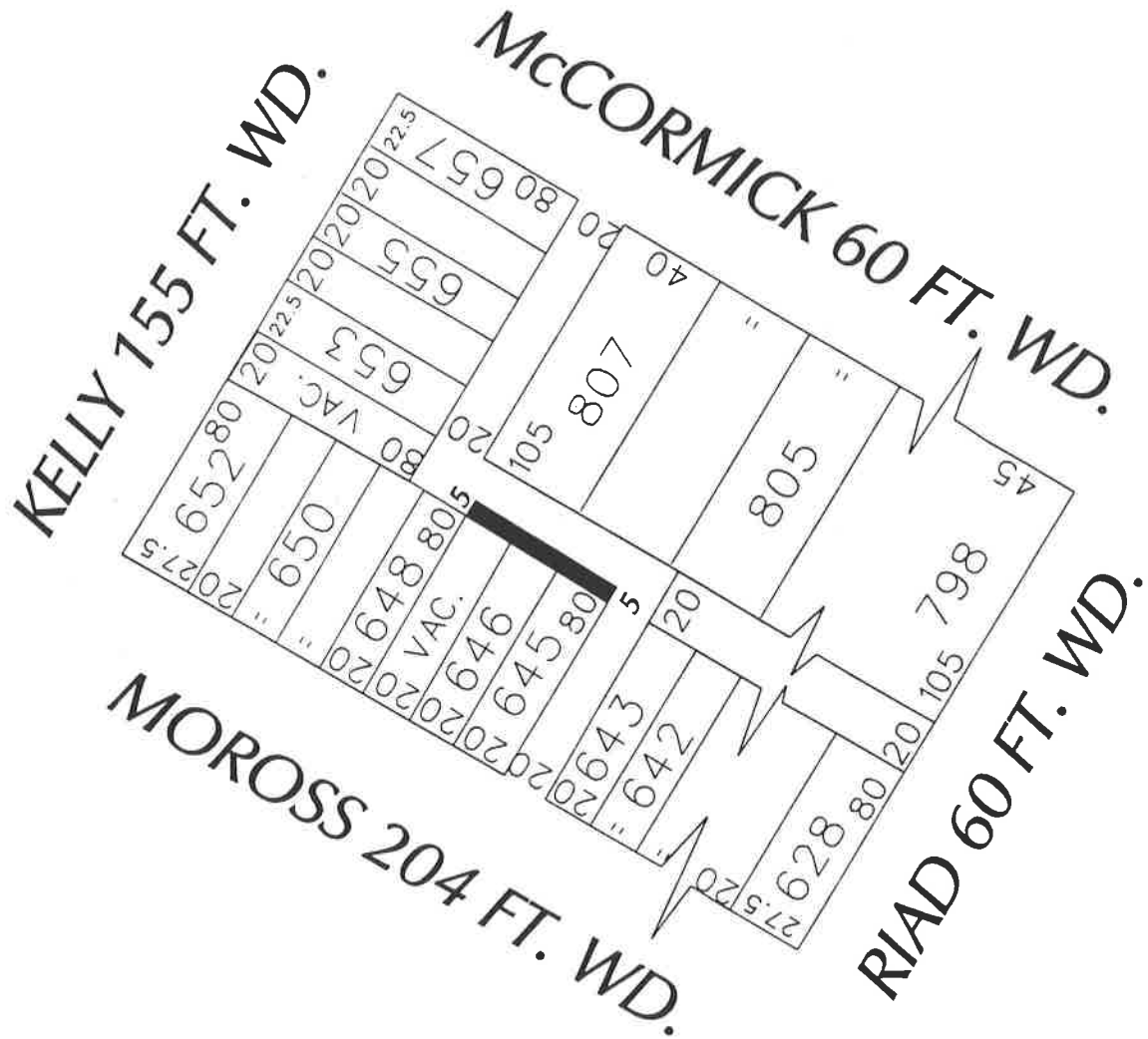
PROVIDED, That if DWSD facilities located within the alley shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all cost incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

PROVIDED, That the petitioner shall hold DWSD harmless for any damage to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

PROVIDED, That at any time in the future the petitioner shall request removal and/or relocation of DWSD's facilities in the alley being encroached upon the petitioner agrees to pay all cost for such removal and/or relocation; 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. 4417
 GOLDEN LASER DENTAL CENTER
 18525 MOROSS
 c/o RANDY PARDY
 PHONE NO. 313-371-9880



 - REQUESTED OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 97 A

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NP	CHECKED			
DATE	1-13-06	APPROVED			

REQUESTED OUTRIGHT VACATE FIVE (5) FEET OF THE EAST-WEST PUBLIC ALLEY IN THE BLK. BND. BY MOROSS, McCORMICK, RIAD, AND KELLY.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x4417.dgn