

July 17, 2006

Honorable City Council:

RE: Petition No. 0626 – Dale Foster, requesting conversion to easement of a public alley in the area of 5945 Mt. Elliott.

Petition No. 0626 of Dale Foster, 2234 Pennsylvania Avenue, Detroit, Michigan 48214, as owner of all property abutting a public alley in the area of 5945 Mt. Elliott, requests the conversion of the north-south public alley, 18 feet wide, in the block bounded by Ellery Street, 60 feet wide, Mt. Elliott Avenue, 66 feet wide, Medbury Avenue, 50 feet wide and Holborn Avenue, 50 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.

The petitioner plans to use the paved alley return entrance (into Holborn Avenue) and request such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

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: Kathy Square, Director – DPW
Kandia Milton, Mayor's Office

COUNCIL MEMBER: _____

RESOLVED, All that part of the north-south public alley, 16 feet wide, in the block bounded by Ellery Street, 60 feet wide, Mt. Elliott Avenue, 66 feet wide, Medbury Avenue, 50 feet wide and Holborn Avenue, 50 feet wide, lying easterly of and abutting the east line of Lot 87, and lying westerly of and abutting the west line of Lots 88, 89 and 90; as platted in "Gamble and Fischer's Subdivision of Outlot 26 Leib Farm", excepting the southerly 331.33 ft., recorded April 16, 1892, City of Detroit, Wayne County, Michigan, as recorded in Liber 16, Page 88, 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, concrete slabs or driveways, 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,

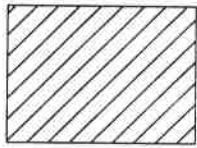
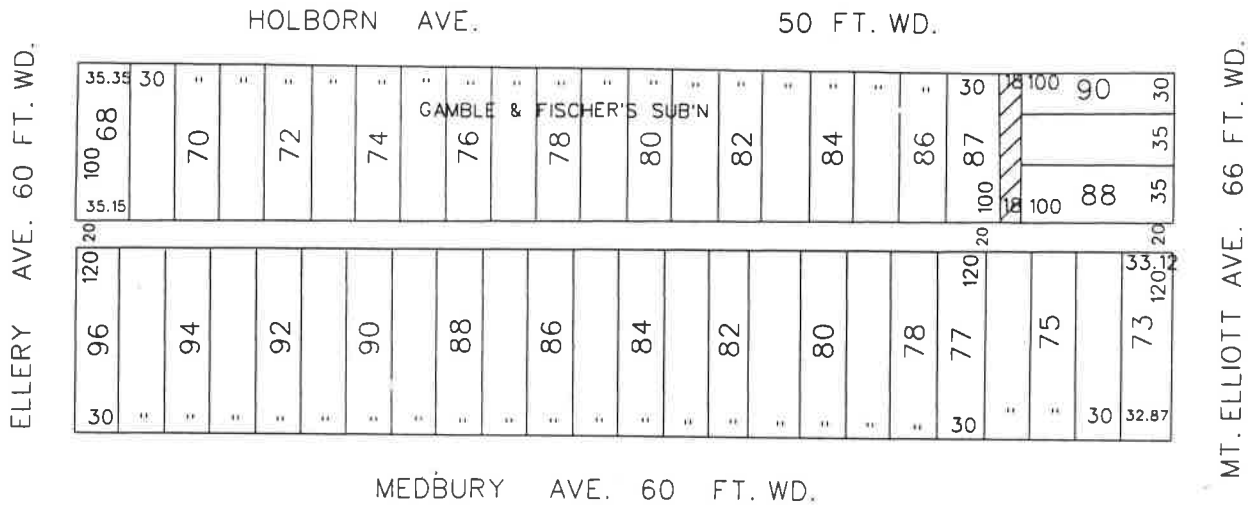
Fourth, That if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 alley return at the entrance (into Holborn 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 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. 0626
 DALE FOSTER
 313-822-9326



REQUESTED CONVERSION TO EASEMENT

CARTO. NO. 41F

(FOR OFFICE USE ONLY)

B						REQUESTED CONVERSION TO EASEMENT	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU
A							JOB NO. 01-01 DRWG. NO. X0626.DGN
	DESCRIPTION	DRWN	CHKD	APPD	DATE		
	REVISIONS						
	DRAWN BY	CHECKED					
	DATE	APPROVED					
	6/25/06						