

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, September 04, 2008

To: The Department or Commission Listed Below

From: Janice M. Winfrey, Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

PLANNING AND DEVELOPMENT DEPARTMENT

2950 *Ramzi Najor, requesting a portion of the north/south alley, 120 feet long between Toledo Ave on the south and Brandon Ave. to north be vacated; adjacent from 2305 to 2323 Junction.*

DEAR CITY COUNCIL

1 2: 13
CLERK-
City of Detroit

I'm, Ramzi Najor, I'm requesting a portion of the North / South Alley 120 Feet long between Toledo Ave. on the South & Brandon Ave. to the North be Vacated.

I'm requesting only the portion adjacent to my property from 2305 to 2323 Junction in city of Detroit.

SINCERELY

Ramzi Najor

2840 DENISE DR
TROY MI 48085
248-709-7985

March 24, 2010

Honorable City Council:

RE: Ramzi Najor, requesting a portion of the north/south alley, 120 feet long between Toledo Ave. on the south and Brandon Ave. to the north.

Petition No. 2950 of "Ramzi Najor" request for the conversion of a portion of the North – South public alley, 17 feet wide, in the block bounded by Junction Avenue, 66 feet wide, Campbell Avenue, 66 feet wide, Brandon Avenue, 50 feet wide, and Toledo Avenue, 66 feet wide into a easement for the utility companies.

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.

City Engineering Division – DPW was made aware of objections from surrounding property owners to the alley closure through Planning and Development Department. The four objection letters on record come from property owners at 5671-77 Brandon Avenue, 5635 Brandon Avenue, 2351 Junction Avenue, and 2343 Junction Avenue. City Engineering investigation findings were that the Petitioner owns 100% of the abutting property to the requested alley closure, and do not prevent/block anyone's access to the rear of their property.

All City departments and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

City Engineering Division – DPW have attached a resolution for consideration by your Honorable Body.

Respectfully submitted,



Manilal Patel, Interim City Engineer
City Engineering Division – DPW

NRP/

Cc: Alfred Jordan, Director – DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER _____

Resolved, all that part of the North – South public alley, 17 feet wide, lying Westerly of and abutting the West line of Lots 31 through 34, both inclusive, and lying Easterly of and abutting the East line of Lot 30 all in the “Brush Subdivision” of the Southerly 814 feet of the Westerly half of the rear concession of P.C. 260 Lying North of Toledo Avenue Detroit, Wayne County, Michigan, recorded November 8, 1890 as recorded in Liber 14, Page 83, 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 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,

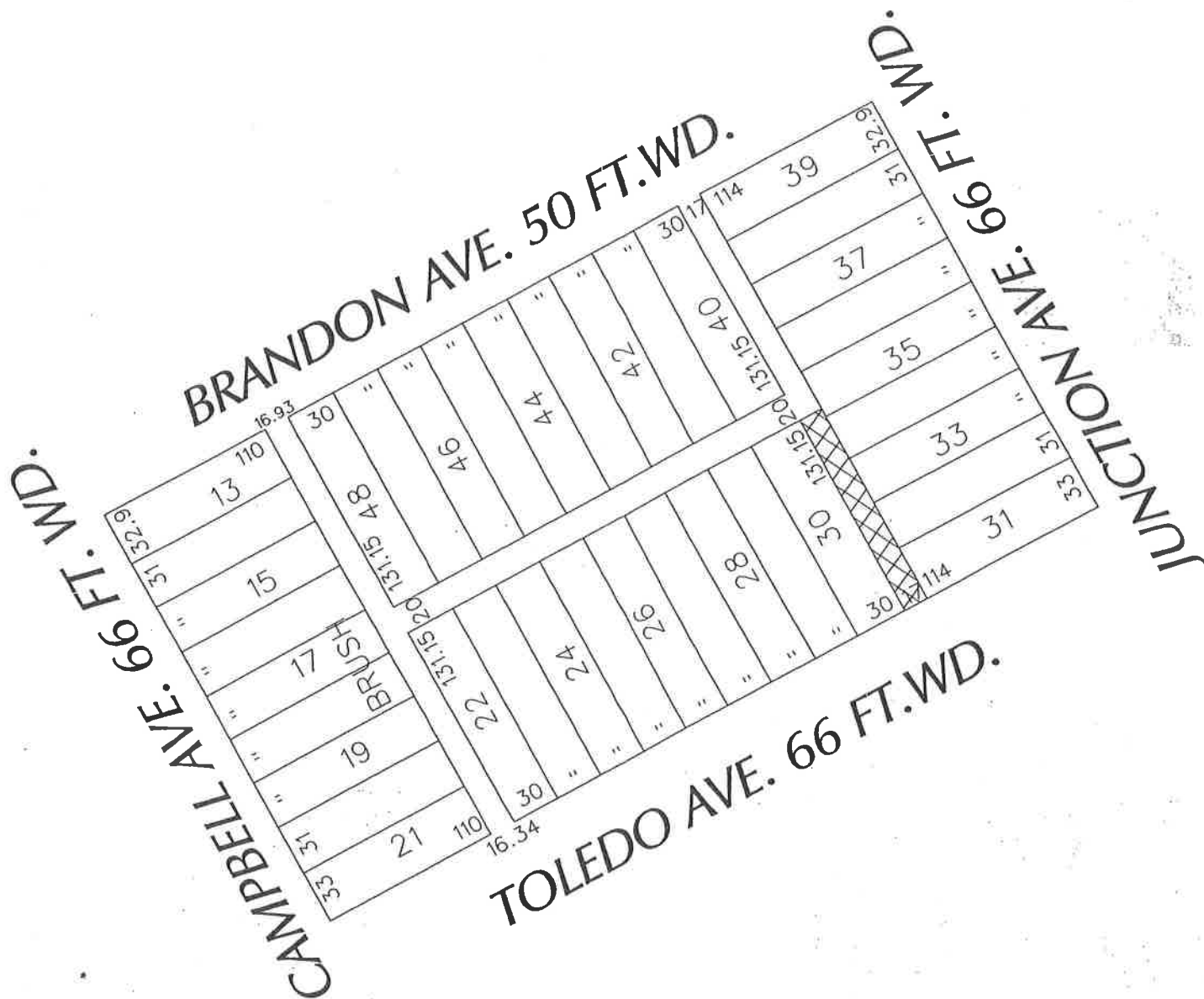
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easements, nor change of surface grade made, without prior 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 entrances (into Toledo 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.



- REQUEST CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 12 E

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KM		CHECKED		
DATE	4-7-09		APPROVED		

REQUESTED CONVERSION TO EASEMENT, 17 FT. WD.
 NORTH SOUTH ALLEY 120 FT. LONG
 BTWN TOLEDO AVE. AND BRANDON AVE.
 ADJACENT TO 2305 TO 2323 JUNCTION

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. x2950.dgn