

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Thursday, October 15, 2009*

*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.

---

**DPW - CITY ENGINEERING DIVISION**

**3883** *Ronny Avar, request to vacate alley and convert into a public easement of property abutting alley behind Grand Price Food Center.*

3883

PETITION FOR CONVERSION OF ALLEY TO EASEMENT  
Detroit, MI

CT 09/11/09  
 LTY  
 DEK-

Date 5-28 2009

TO THE HONORABLE CITY COUNCIL:

Gentlemen: We, the undersigned owners of the property abutting the alley:

GRAND PRICE FOOD CENTER  
Location of Alley

do respectfully petition your Honorable Body to vacate said alley and convert same into a public easement.

Further, the undersigned representing not less than two-thirds (66-2/3%) ownership of property abutting said alley hereby agree that all existing utilities in said alley are to remain in their present location, and that if at any time in the future a request is made to remove or relocate any existing poles or other utilities in the easement, the property owners making such request and upon whose property the pole or other utilities are located will pay all costs incurred in such removal or relocation unless such charges are waived by the utility owners.

We do further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon the easement or any part thereof, so that said easement shall be forever accessible for maintenance of utilities.

SPONSORING PETITIONER ROANN AYAR 12955 GRAND 313-934-1000  
(Name) (Address) (Phone No.)

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
	<i>[Signature]</i>	<i>[Signature]</i>	18637 STEEL	5-28-09
	YOUSIF AYAR	<i>[Signature]</i>	12637 STEEL	5-28-09
	Mary Boyd	<i>[Signature]</i>	12600 Steel	5-28-09
	C.S. Shackelford	<i>[Signature]</i>	12634	5-28-09
	JAMES OVR	Lora	12600	5-30-09
	Monrad Orr	Laura Orr	Sargent 48229	5-30-09
	Realestine Stromberg Found	MAKE <i>[Signature]</i>	12611 Steel 48229	5-30-09

(Over)







November 1, 2010

Honorable City Council:

RE: Petition No. 3883 – Ronny Ayar, request to vacate alley and convert into a public easement for property abutting alley behind Grand Price Food Center.

Petition No. 3883 of “Ronny Ayar”, request the conversion of the North – South and East public alleys, 20 and 18 feet wide in the block bounded West Grand River Avenue, 100 feet wide, Fullerton Avenue, 66 feet wide, Steel Avenue, 60 feet wide, and Sorrento Avenue, 60 feet wide into easements 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.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,

  
Manial Patel, Interim City Engineer  
City Engineering Division - DPW

NRP:

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

RESOLVED, All that part of the North – South public alley, 18 feet wide, lying Easterly of and abutting the East line of Lots 42 through 49, both inclusive, all in the “Edwin Meyer Subdivision” of part of Lot 1 of Subdivision of the East ½ of Northwest ¼ of Section 29 – T.1S., R.11E., City of Detroit, Wayne County, Michigan as recorded in Liber 60, Page 34, Plats, Wayne County Records; and lying Westerly of and abutting the West line Lots 88 through 93, both inclusive, all in the “Edwin Meyer Subdivision No. 1” of part of Lot 1 of the Subdivision of the J. Cabot Estate of the East ½ of the Northwest ¼ of section 29 – T.1S., R.11E. City of Detroit, Wayne County, Michigan as recorded in Liber 63, Page 76, Plats, Wayne County Records;

Also, all that part of the East – West public alley, 20 feet wide, lying Northerly of and abutting the North line of Lot 49 and lying Southerly of and abutting the South line of Lots 50 through 56, both inclusive, all in the “Edwin Meyer Subdivision” of part of Lot 1 of Subdivision of the East ½ of Northwest ¼ of Section 29 – T.1S., R.11E., City of Detroit, Wayne County, Michigan as recorded in Liber 60, Page 34, Plats, Wayne County Records; And lying Northerly of and abutting the North line of Lot 88 and lying Southerly of and abutting the South line of Lots 79 through 87, both inclusive, all in the “Edwin Meyer Subdivision No. 1” of part of Lot 1 of the Subdivision of the J. Cabot Estate of the East ½ of the Northwest ¼ of section 29 – T.1S., R.11E. City of Detroit, Wayne County, Michigan as recorded in Liber 63, Page 76, Plats, Wayne County Records;

Be and the same is hereby vacated as public alleys and is hereby converted into private easements for public utilities of the full width of the alley, which easements 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 alleys and by their heirs, executors, administrators and assigns, forever to wit:

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 easements 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 deflection; and be it further

Provided, that said owners of the adjoining property, for themselves, their 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 any time in the future, the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of the aforementioned utilities in said easements, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easements shall break or be damaged 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

First, said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public alleys 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 easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated alleys 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 easements or rights-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 easements 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 alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

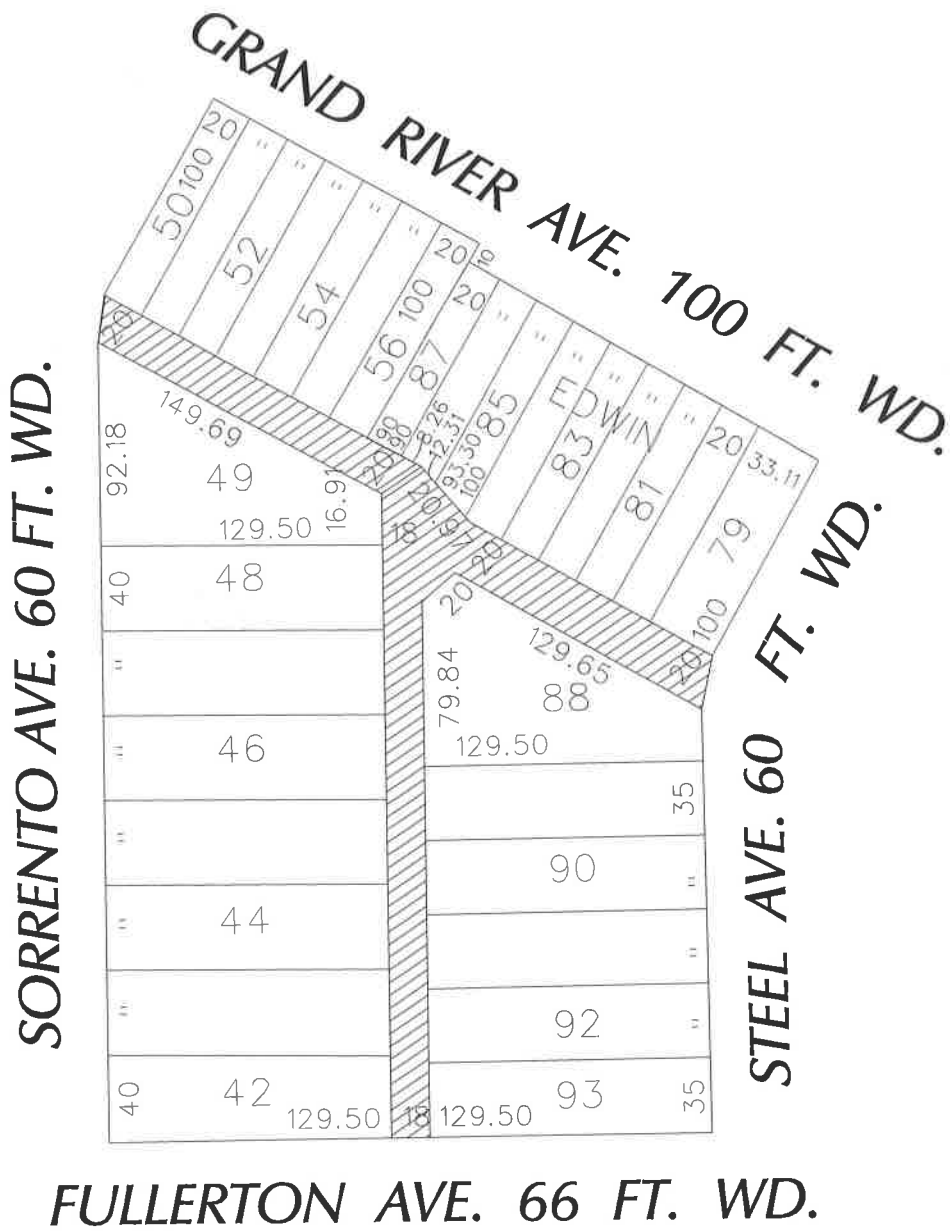
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 Sorrento, Fullerton and Steel Avenues), 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.



GRAND PRICE FOOD CENTER  
 12955 GRAND RIVER AVE.  
 DETROIT, MICHIGAN  
 C/O RONNY AYAR  
 PHONE NO. 313 934 1000



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 83 A

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	K.S.M.				CHECKED
DATE	8-17-10				APPROVED
					<i>RP.</i>

**REQUESTED CONVERSION TO EASEMENT**  
**THE N/S AND E/W PUBLIC ALLEYS**  
**IN AREA BOUND BY**  
**SORRENTO AVE., GD. RIVER AVE.,**  
**STEEL AVE. AND FULLERTON AVE.**

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X3883.dgn