

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

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Thursday, August 26, 2010*

*To: The Department or Commission Listed Below*

*From: Janice M. Winfrey, Detroit City Clerk*

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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.

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PLANNING AND DEVELOPMENT DEPARTMENT

**645** *Austin Billups, for vacation of alley entrance north of Fenkell, adjacent to lot 155 Dexter Park Sub. Div.*



January 21, 2011

Honorable City Council:

RE: Petition No. 645 – Austin Billups, request for vacation of alley entrance south of Fenkell, adjacent to Lot 155 Dexter Park Subdivision.

Petition No. 645 of “Austin Billups”, request for the conversion of a portion of the east – west public alley, 18 feet wide, in the area south of Fenkell Avenue, 66 feet wide, and between Petoskey Avenue, 60 feet wide, and Quincy Avenue, 60 feet wide into a private easement for 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 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,

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 East – West public alley, 18 feet wide, South of Fenkell Avenue, 66 feet wide, and between Petosky Avenue, 60 feet wide, and Quincy Avenue, 60 feet wide lying Southerly of and abutting the South line of Lots 97 through 101, both inclusive, and the East 1.00 feet of Lot 96, and lying Northerly of and abutting the North line of Lot 155 all in the “Dexter Park Subdivision” of Part of Fractional Section 22, T.1S.,R11E., Greenfield Township (now City of Detroit), Wayne County Michigan as recorded in Liber 33, Page 17, 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 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 no structures or barricades can be built over Public Lighting Departments (PLD) installations or on existing utility easement areas. As per PLD requirements, any structure proposed to built shall maintain a 10 feet horizontal clearance from the overhead PLD lines and installations. Any structure proposed to be built shall maintain a minimum of three feet horizontal and 12-inch vertical clearances from the PLD conduit bank and manholes. The contractor and/or petitioner should take necessary precautions not to damage PLD's utilities; 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 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 easement, or that no grade changes or storage of materials shall be made within said easement 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 street shall request the removal and/or relocation of the aforementioned utilities in said easement, 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 easement 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

PROVIDED, That if it becomes necessary to remove the paved alley return at the entrances (into Quincy 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.

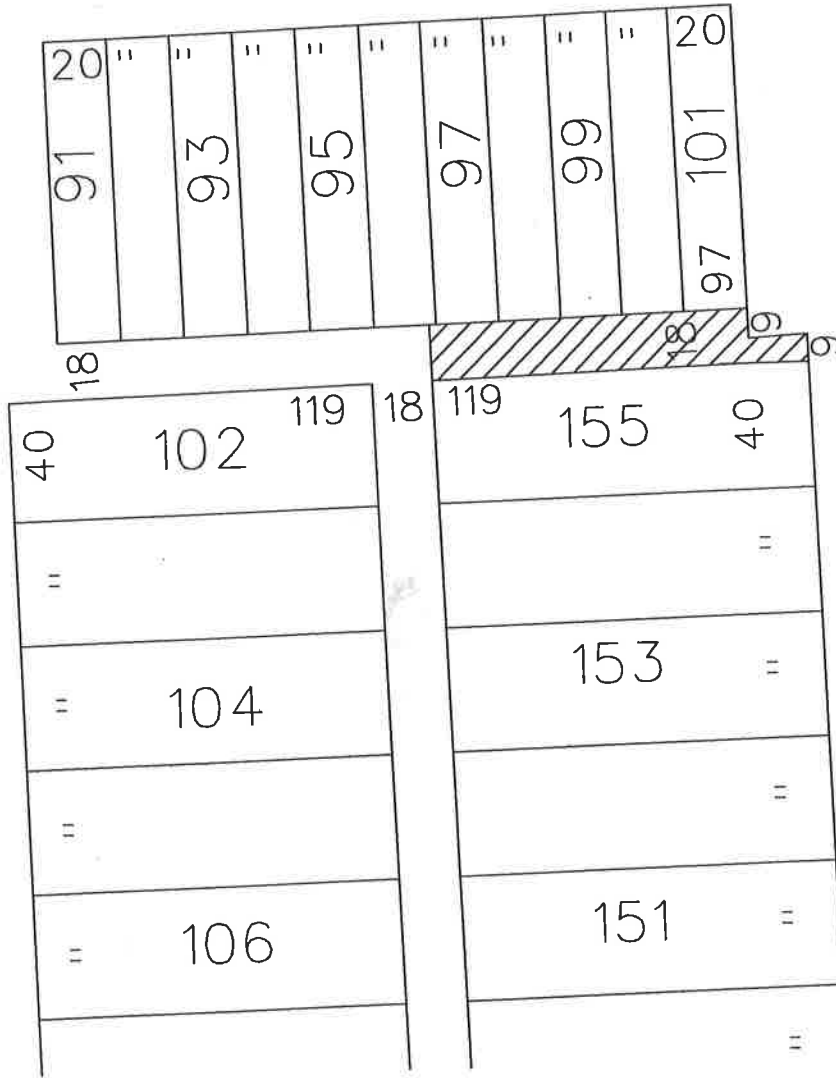
PETITION NO. 645  
 AUSTIN BILLUPS  
 15115-17 QUINCY  
 DETROIT, MICHIGAN 48238  
 C/O AUSTIN BILLUPS  
 PHONE NO. 313 729 0516



FENKELL AVE. 66 FT. WD.

PETOSKEY AVE. 60 FT. WD.

QUINCY AVE. 60 FT. WD.



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 24 C

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
KSM					
DATE		APPROVED			
10-5-10					

REQUEST CONVERSION TO EASEMENT  
 THE EASTERLY PORTION  
 OF THE EAST/WEST ALLEY  
 THAT IS SOUTH OF FENKEL  
 AND BETWEEN QUINCY AND PETOSKEY

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X645.dgn