

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, October 20, 2010

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 DPW - CITY ENGINEERING DIVISION

740 *Fallah Younan, vacate alley abutting 2940 E. Eight Mile Rd. and convert into public easement.*



February 3, 2011

Honorable City Council:

RE: Petition 740 – Fallah Younan, request to vacate the alley abutting 2940 E. Eight Mile Rd. and convert into public easement.

Petition No. 740 of “Fallah Younan”, request for the conversion of east – west public alley, 20 feet wide, in the area South of East Eight Mile Road, 204 feet wide, and between Harned Avenue, 75 feet wide, and Mitchell Avenue, 50 feet wide, into a private easement for utility companies. This closure will provide the property owner the right to barricade/fence the alley to prevent illegal dumping.

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 right-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

RESOLVED, All that part of the East – West public alley, 20 feet wide, lying Southerly of and abutting the South line of Lots 111 through 115, both inclusive, in the “Assessors Base Line Superhighway Subdivision No. 4 A re-subdivision of Lots 1 to 8, inclusive and part of Lot 9; 59 to 73, inclusive and part of 58 and 74; 124 to 138, inclusive and part of 123 and 139, 189 to 203, inclusive, and part of 188 and 204; 254 to 268, inclusive and part of 253 and 269; 319 to 333, inclusive part of 318 and 334; 384 to 398, inclusive and part of 383 and 399; 449 to 463, inclusive and part of 448 and 464; 514 to 527, inclusive and part of 513 and 528, 578 to 590, inclusive and part of 577 and 591, and vacated alleys of Seymour and Troester’s Clairmont Park Subdivision” of the North ½ of the Northeast ¼ of Section 6, T.1S., R.12E, City of Detroit, Wayne County, Michigan as recorded in Liber 63, Page 64, Plats, Wayne County Records; and lying Northerly of and abutting the North line of Lot 9 in the Seymour and Troester’s Clairmont Park Subdivision of the North ½ of Northeast ¼ of Section 6, T.1S., R.12E., Hamtramck Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 52, Page 43, 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 Mitchell 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

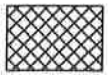
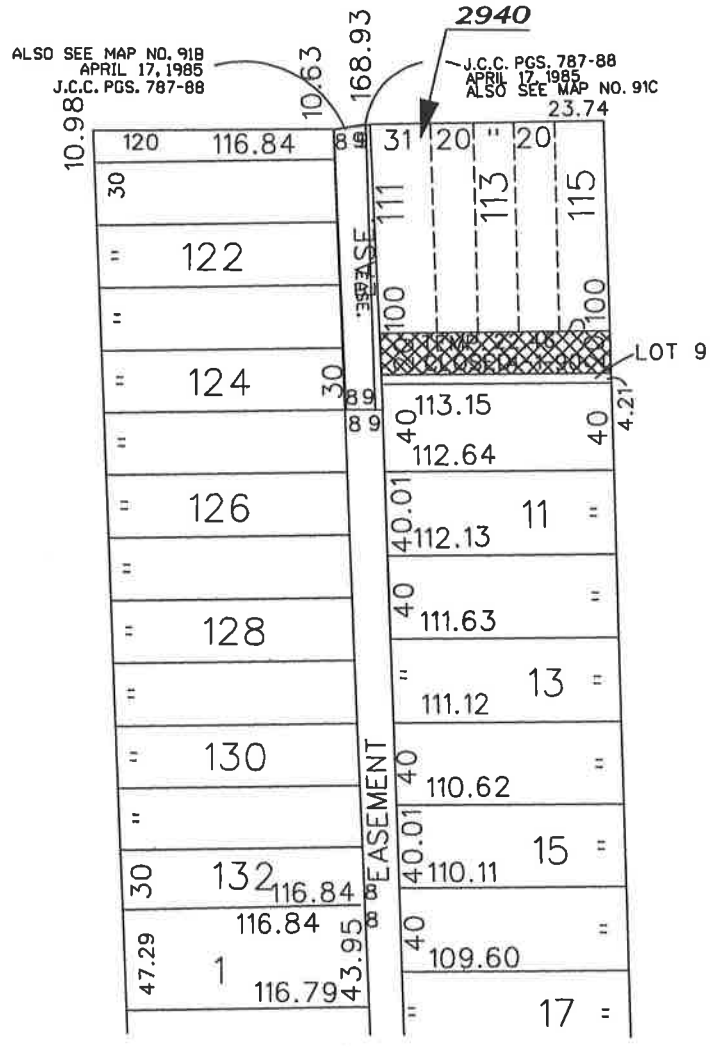
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.



EIGHT MILE ROAD 204 FT.WD.

HARNED AVE. 75 FT.WD.

MITCHELL AVE. 50 FT.WD.



- CONVERT TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 91 B&C

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
12-2-10					

**REQUEST TO CONVERT TO EASEMENT
 20 FOOT WIDE ALLEY
 SOUTH OF
 2940 EAST EIGHT MILE ROAD**

**CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU**

JOB NO. 01-01
 DRWG. NO. X740.dgn