

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Friday, November 05, 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

758 *Rodrigo Padilla, to vacate alley between Stair, Honorah, W. Vernor and Pitt and convert same into a public easement.*

PETITION FOR CONVERSION OF ALLEY TO EASEMENT
 Detroit, MI

Date October 11, 2010

TO THE HONORABLE CITY COUNCIL:

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

Alley between Stair, Honora, W. Verner and Pitt.
 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 Rodrigo Padilla 7400 W. Verner 313-743-3
 (Name) (Address) (Phone No.)

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
	<u>Adrian</u>	_____	2333 STAIR	10/11/10
	<u>Antonia Gonzalez</u>	_____	2345 / 2347 STAIR	10/11/10
	<u>Maria Danga</u>	_____	2351 / 2353 STAIR	10/11/10
	<u>Alain Valdivia</u>	_____	2357 / 2359 STAIR	10/11/10
	A-BANDONED		2363 STAIR	10/11/10
	<u>Raymond Rogan</u>	_____	2369 STAIR	10/11/10
			2373 STAIR	10/11/10
			2375 STAIR	10/11/10

(Over)

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
	A Bondholder		2386 STAIR	10/11/10
			2385 STAIR	10/11/10
			2397 STAIR	10/11/10
			2397 STAIR	10/11/10
			2415 STAIR	10/11/10
			2431 STAIR	10/11/10

Handwritten notes:
Check County
Circuit
book
No 11
How
Pending

758

PETITION FOR CONVERSION OF ALLEY TO EASEMENT
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Gentlemen: We, the undersigned owners of the property abutting the alley:

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Location of Alley

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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 Rodrigo Padilla 7400 W. Verner 313-743-3100
(Name) (Address) (Phone No.)

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
	Abandoned		2430 Honorah	Sept 23 2010
	Vincent Robles	—	2424 Honorah	Sept 23 2010
	David Hernandez	Juana Guerrero	2412 Honorah	9/23/10
	India Segarra	—	2406 Honorah	9/23/10
			2400 Honorah	9/23/10
	Abandoned		2392 Honorah	9/23/10
	UNRECORDED MAY BE BAC-RES 186-55-9731-02/12/01-5126 594		2388 Honorah	9/23/10
			2382 Honorah	9/23/10

(Over)

DETROIT
CITY CLERK

NOV 28 11 31 AM '31

Honorah Street

ALLEY
To Remain OPEN

ALLEY
To Remain OPEN

To Closure Request
- Alleyway -

Parking Lot

Parking Lot

EL Nacimiento
Restaurant

W. Vernor

Stair Street

May 22, 2012

Honorable City Council:

RE: Petition No. 758 – Rodrigo Padilla, to vacate alley between Stair, Honorah, W. Vernor, and Pitt to convert same into a public easement.

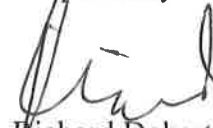
Petition No. 758 of “Rodrigo Padilla” request the conversion of a portion of the east – west public alley, 18 feet wide, in the block bounded by Pitt Avenue, 50 feet wide, West Vernor Highway, 66 feet wide, Honorah Avenue, 60 feet wide, and Stair Avenue, 60 feet wide, into a private easement for utilities.

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,



Richard Doherty, City Engineer
City Engineering Division – DPW

NRP/

Cc: Ron Brundidge, Director – DPW
Mayor’s Office – City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, All that part of the East – West public alley, 18 feet wide, in the block bounded by Pitt Avenue, 50 feet wide, West Vernor Highway, 66 feet wide, Honorah Avenue, 60 feet wide, and Stair Avenue, 60 feet wide, lying Southerly of and abutting the South line of Lot 136, and lying Northerly of and abutting the North line of Lots 54 through 56, both inclusive, and the East 19.96 feet of Lot 53 all in the “Burn’s Subdivision” of that part of Lot 7 lying South of Disc Road of the Subdivision of P.C. 60 Springwells (Now City of Detroit) Wayne County as recorded in Liber 14, Page 65, 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 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, 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 alley shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incidental 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 incidental 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 Stair 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. 758
 RODRIGO PADILLA
 7400 WEST VERNOR
 DETROIT, MICHIGAN 48201
 PHONE NO. 313 743 _____

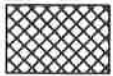
PITT AVE. 50 FT. WD.



HONORAH AVE. 60 FT. WD.

STAIR AVE. 60 FT. WD.

30	VAC. 110	20	110	119	30
"	74	"	BURNS'	121	"
"	72	"			"
"	70	"		123	"
"	68	"		125	"
"	66	"		127	"
"	64	"		129	"
"	62	"		131	"
"	60	"		133	"
30	58 110		110	135	"
33	57 110.03 30.35	20	32.65 110.03	136	30
18					
140					140
49	51	53	55	56	
30	"	"	"	"	30 30.07



- AREA OF EASEMENT

VERNOR HWY. 66 FT. WD.

(FOR OFFICE USE ONLY)

CARTO 3 F

B					REQUEST CONVERT TO EASEMENT EAST PORTION OF 18 FT. WD. EAST/WEST ALLEY IN AREA BOUND BY PITT, STAIR, VERNOR AND HONORAH	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU
	A					
DESCRIPTION		DRWN	CHEK	APPD	DATE	
REVISIONS						
DRAWN BY		CHECKED				
DATE		APPROVED				
12-22-10						