



CITY OF DETROIT
 DEPARTMENT OF PUBLIC WORKS
 CITY ENGINEERING DIVISION

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30

June 6, 2016

CITY CLERK 14 JUN 2016 PM 1:23

Honorable City Council:

Re: Petition No. 744, Marty Joanides, request to close off the alley behind 300 East 8 Mile Rd.

Petition No. 744 – Marty Joanides, request to vacate and convert to easement the east-west public alley, 16 feet wide, and amended to include the north-south alley, 18 feet wide, all in the block of Winchester Avenue, 50 feet wide, East Eight Mile Road, 204 feet wide, Coventry Avenue, 75 feet wide and Keating Avenue, 75 feet wide.

This request is being made to provide security and prevent illegal dumping for the businesses on Eight Mile Road and the homeowners on Coventry Avenue and Keating Avenue.

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

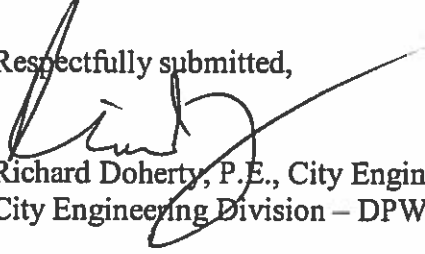
The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW.

All involved City Departments, including, Public Lighting Authority, Public Lighting Department 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 attached resolution.

Detroit Water and Sewerage Department (DWSD) has no objection to the conversion to easement. The specific DWSD provisions for easements are included in the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,


 Richard Doherty, P.E., City Engineer
 City Engineering Division – DPW

JMK/

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

ENTERED JUN 27 2016

Approved/Move to format - CL (3-0)

BY COUNCIL MEMBER

Benson

RESOLVED, All of the east-west public alley, 16 feet wide, also all of the north-south alley, 18 feet wide, being all of the alleys in the block of Winchester Avenue, 50 feet wide, East Eight Mile Road, 204 feet wide, Coventry Avenue, 75 feet wide and Keating Avenue, 75 feet wide and described as: Land in the City of Detroit, Wayne County, Michigan being the east-west public alley, 16 feet wide, lying northerly of and adjoining the northerly line of 567 and 630, also lying southerly of and adjoining the southerly line of Lots 562 through 566, both inclusive, and 631 through 635, both inclusive, also the north-south alley, 18 feet wide, lying westerly of and adjoining the westerly line of Lots 567 through 586, both inclusive, also lying easterly of and adjoining the easterly line of Lots 611 through 630, both inclusive "Gilmore and Chavenelle's Subdivision No. 2 of part of N.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of Section 1, T1S,R.11E. City of Detroit, Wayne County, Michigan" as recorded in Liber 40, Page 94 of Plats, Wayne County Records.

Be and the same are hereby vacated as a public alleys and converted into a private easements for public utilities of the full width of the alleys, 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:

First, said owners hereby grant to and for the use of the public an easement or right-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 easement for the purpose above set forth,

Second, said utility easement or right-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 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 easement, 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 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

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, including 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 alleys 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 any of the paved alley returns at the entrances (into Coventry Avenue, Keating Avenue or Winchester 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. 744
 MARTY JOANIDES
 300 E. EIGHT MILE RD.
 DETROIT, MICHIGAN 48226
 C/O MICHAEL HEAD
 PHONE NO. 248 521-4735



E. EIGHT MILE RD. 204 FT. WD.

COVENTRY AVE. 75 FT. WD.

KEATING AVE. 75 FT. WD.

29	20	633	635	566	564	562	49	90
35	630	100	100	100	100	567	55	75
:	:	:	:	:	:	:	:	:
:	628	:	:	:	:	569	:	:
:	:	:	:	:	:	:	:	:
:	626	:	:	:	:	571	:	:
:	:	:	:	:	:	:	:	:
:	624	:	:	:	:	573	:	:
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:	620	:	:	:	:	577	:	:
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:	618	:	:	:	:	579	:	:
:	:	:	:	:	:	:	:	:
:	616	:	:	:	:	581	:	:
:	:	:	:	:	:	:	:	:
:	614	:	:	:	:	583	:	:
:	:	:	:	:	:	:	:	:
:	612	:	:	:	:	585	:	:
:	:	:	:	:	:	:	:	:
55	611	100	100	100	100	586	55	75

WINCHESTER AVE. 50 FT. WD.



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 37 B

B						REQUEST TO CONVERT TO EASEMENT THE EAST/WEST PUBLIC ALLEY, 16 FT. WD. AND THE NORTH/SOUTH PUBLIC ALLEY, 18 FT. WD. IN THE BLOCK BOUND BY KEATING, WINCHESTER, COVENTRY AVE. AND E. EIGHT MILE RD.	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A					JOB NO. 01-01			
DESCRIPTION		DESIGN	CHECK	APPROVED	DATE			DRWO. NO. X 744
DRAWN BY		REVISIONS						
DATE		CHECKED	APPROVED					
08-04-15		WLW						

ADOPTED AS FOLLOWS
COUNCIL MEMBERS

	YEAS	NAYS
Janee AYERS		
Scott BENSON		
Raquel CASTANEDA-LOPEZ		
*George CUSHINGBERRY, JR.		
Gabe LELAND		
Mary SHEFFIELD		
Andra SPIVEY		
James TATE		
Brenda PRESIDENT JONES		
*PRESIDENT PRO TEM		
	8	0