



June 4, 2018

Honorable City Council:

RE: Petition No. 1343 Milbrun L. Pearson II, request a conversion to easement of the alley that runs east and west up to an alley that runs north and south of Tennessee Missionary Baptist Church located at 2100 Fischer St.

Petition No. 1343 by Milbrun L. Pearson II, request to vacate and convert to easement the east-west and north-south public alleys, both 20 feet wide, in the block of Kercheval Avenue, 80 feet wide, Vernor Highway, 60 feet wide, Fischer Avenue, 60 feet wide, and Crane Avenue, 50 feet wide.

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

The request is being made to for use as a parking area and to prevent blight in the alleys.

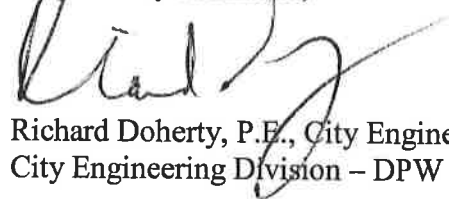
The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW.

DTE – Energy- Electric has no objection, provided access is maintained to their equipment. Provisions for DTE access are made a part of the resolution. Public Lighting Department (PLD) has no objection provided the cost for any removal of their equipment is borne by the petitioner. A provision for PLD is a part of the 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.

All other involved City Departments, and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into a private easements for public utilities. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,



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

/JK

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

BY COUNCIL MEMBER _____

RESOLVED, that all of the north-south public alley, 20 feet wide, and all of the east-west public alley, 20 feet wide, all in the block of Kercheval Avenue, 80 feet wide, Vernor Highway, 60 feet wide, Fischer Avenue, 60 feet wide, and Crane Avenue, 50 feet wide and further described as: land in the City of Detroit, Wayne County, Michigan as platted in "Holden & Cavell's Forest Subdivision of Lots 15, 16, 17, and 18 and the northerly 143.99 feet of Lot 19, Subdivision of the westerly part of P.C. 723 South of Mack Street" as recorded in Liber 24, page 77 of Plats, Wayne County Records, and being the following 2 alleys:

- 1) North-South public alley, 20 feet wide lying easterly of and adjoining the easterly line of Lots 37 through 58, both inclusive, and lying westerly of and adjoining the westerly line of Lots 15 through 36, both inclusive, all in the aforementioned subdivision.
- 2) East-West public alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 4 through 14, both inclusive, and lying southerly of and adjoining the southerly line of Lots 58 and 15 and above described alley between said Lots, all in the aforementioned subdivision.

Be and the same are hereby vacated as a public rights-of-way and converted into private easements for public utilities of the full width of the rights-of-way, 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 rights-of-way 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 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 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 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 (except necessary line fences), 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 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 the petitioner does not enclose any area with DTE equipment until further notice; and all DTE equipment must be immediately accessible at all times, and further

Provided, that the petitioner shall be responsible for any costs for removal of Public Lighting Department equipment including alley lights, and bracket arms and circuit wire. This equipment should be removed by a qualified electrical worker at the petitioners cost prior to closing off access, 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, 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 alley 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 Fischer Avenue, Crane Avenue, or Vernor Highway) 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. 1343
 TENNESSEE MISSIONARY BAPTIST CHURCH
 2100 FISCHER ST.
 DETROIT, MICHIGAN 48214
 C/O PASTOR MILBRUN L. PEARSON II
 PHONE NO. 313 220-8623



VERNOR HWY. 60 FT. WD.

FISCHER AVE. 60 FT. WD.

CRANE AVE. 50 FT. WD.

3127	37	163.59	20	163.50	36	3127
31	"	39	FOREST	"	34	31
"	"	"	"	"	"	"
"	"	41	"	"	32	"
31	30	43	CAVELL'S	"	30	31
"	"	45	"	"	"	"
"	"	47 &	"	SUB'N	28	"
"	"	49	"	"	26	"
"	"	51	"	"	24	"
"	"	53	HOLDEN	"	22	"
"	"	55	"	"	20	"
"	"	57	"	"	18	"
30	30	58	163.59	20	163.50	30
4	100	"	"	"	"	4
6	"	"	"	"	"	6
8	"	"	"	"	"	8
10	"	"	"	"	"	10
12	"	"	"	"	"	12
14	100	"	"	"	"	14
32	"	"	"	"	"	32.09

KERCHEVAL AVE. 80 FT. WD.



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 47 F

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW		CHECKED		
DATE	11-29-16		APPROVED		

REQUEST TO CONVERT TO EASEMENT
 THE EAST/WEST AND NORTH/SOUTH
 PUBLIC ALLEY, 20 FT. WD.
 IN THE BLOCK BOUND BY
 CRANE, KERCHEVAL, FISCHER AVE.
 AND VERNOR HWY.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1343