

Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution. DTE has reported involvement and provisions protecting DTE have been made a part of the resolution.

All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all 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
By Council Member Santiago-Romero:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to 18-24 West Adams LLC or their assigns to install and maintain encroachment for the following:

Awnings, located in three (3) positions on the north side of West Adams Avenue adjacent to lot 11 and lot 1 of the "Plat of Part of Park Lots" as recorded in Liber 7, Page 27 of Plats, Wayne County Records. Said awning being positioned between 47" and 127" west of the southeast corner of said lot 1 and shall be installed to extend no more than 8" south of the property line. Awnings to be installed at 8' 8" over grade at the awning base and 12' 8" at the peak of the awning. Awnings will be supported using a 4" x 4" stanchion and bolted at grade using an 8" x 8" x .5" plate.

Provided, That if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

Provided, That access is maintained to all fire department connections, and be it further

Provided, That by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right of way to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection caused by the encroachment shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could

normally be expected had the petitioner not encroached into the right-of-way, shall be borne by DWSD; and be it further

Provided, That the necessary permits shall be obtained from the City Engineering Division – DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by 18-24 West Adams LLC or their assigns, and further

Provided, That 18-24 West Adams LLC or their assigns provide as-built drawings of their installation and the relationship to other utility infrastructure to the Department of Public Works – City Engineering Division, and further

Provided, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by 18-24 West Adams LLC or their assigns. Should damages to utilities occur 18-24 West Adams LLC or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division – DPW; and further

Provided, That 18-24 West Adams LLC or their assigns shall file with the Department of Public Works – City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance of 18-24 West Adams LLC or their assigns of the terms thereof. Further, 18-24 West Adams LLC or their assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed encroachments; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by 18-24 West Adams LLC, or their assigns; and further

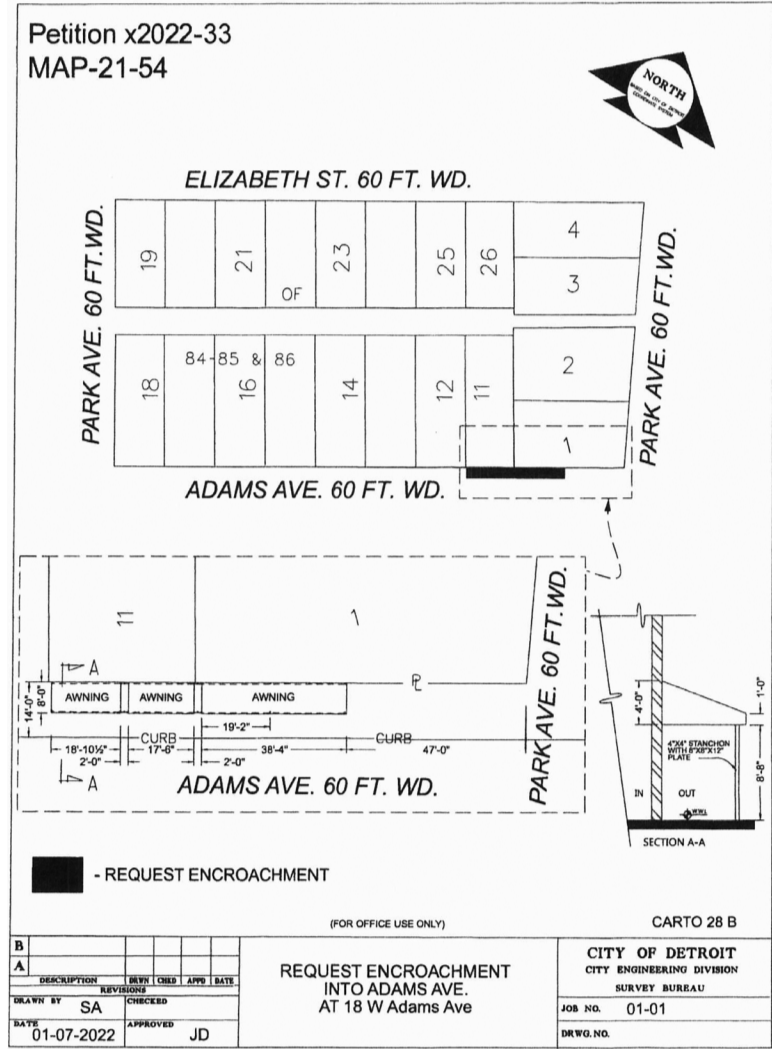
Provided, That construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

Provided, This resolution or part thereof is revocable at the will, whim or caprice of the City Council, and 18-24 West Adams LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment per-

mits shall not be assigned or transferred without the written approval of the City Council; and be it further

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



Adopted as follows:

Yeas — Council Members Benson, Durhal III, Johnson, Santiago-Romero, Tate, Waters, Whitfield-Calloway, Young II and President Sheffield — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

January 27, 2022

Honorable City Council:

Re: Petition No. x2022-34 — City of Detroit: Department of Public Works request to vacate to utility easement part of Frank Street between the northbound M-10 Service Drive and 4th Street.

Petition No. x2022-34 — City of Detroit: Department of Public Works request to vacate to utility easement part of Frank Street, 50 ft. wide, between the northbound M-10 Service Drive and 4th Street, 50 ft. wide.

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

The request is made as part of the street improvement related to the rehabilitation of the structure located at 950 Selden Street.

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

Detroit Water and Sewerage Department (DWSD) has no objection to the vacation and conversion to utility easement provided certain provisions are met. The DWSD provisions are a part of the attached resolution.

All other involved City Departments, and privately owned utility companies have reported no objections to the vacation and conversion to utility easement of the alley. 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
By Council Member Santiago-Romero:

Resolved, part of Frank Street, 50 ft. wide, between the northbound M-10 Service Drive and 4th Street, 50 ft. wide; further described as land in the City of Detroit, Wayne County, Michigan being:

1. The southerly 25 ft. of Frank Street, 50 ft. wide, lying northerly of and adjacent to lot 7 and the public alley, 11.8 ft. wide, lying westerly of and adjacent to said lot 7 of "F. J. B Crane Subdivision" as recorded in Liber 7, Page 5 of Plats, Wayne County Records.

2. The northerly 5 ft. of Frank Street, 50 ft. wide, lying southerly of and adjacent to

Outlot 7 of "Crane Farm" as recorded in Liber 1, Page 117 of Plats, Wayne County Records.

Be and the same is hereby vacated as public right-of-way and converted into a private easement for public utilities of the full width of the right-of-way, 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 right-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 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 right-of-way in the City of Detroit, with the right to ingress and egress at any time 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, other than that specifically prohibited by this resolution, shall restore the easement surface 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 or gates), 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