

Adopted as follows:
Yeas — Council Members Benson, Durhal, III, Johnson, Santiago-Romero, Tate, Waters, Young, II and President Sheffield — 8.
Nays — None.

**Department of Public Works
City Engineering Division**

November 3, 2023

Honorable City Council:

Re: **Petition Number x2023-373** — XLNC Invest LLC request for the temporary closure of the public alley lying westerly of and adjacent to the parcel commonly known as 11385 Greenfield, between Elmira Street and Plymouth Road for a period of (5) years.

Petition No. x2023-373 — XLNC Invest LLC request for the temporary closure of the public alley, 18 ft wide, lying westerly of and adjacent to the parcel commonly known as 11385 Greenfield, between Elmira Street, 60 ft. wide, and Plymouth Road, 86 ft. wide, for a period of (5) years.

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

All other city departments and utilities have reported no objections to the temporary closure, provided they always have the right to ingress and egress to their facilities. Provisions protecting the rights of the utilities and the City are a part of this 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, City Engineering Division — DPW is hereby authorized and directed to issue permit for the temporary closure of the public right-of-way, further described as:

1. The north-south public alley, 18 ft. wide, lying westerly of and adjacent to lots 130 through 155 and lying easterly of and adjacent to lots 166 through 179 and part of lot 180 of "Frischkorn's Dynamic Subdivision" as recorded in Liber 48, Page 66 of Plats, Wayne County Records.

2. The east-west public alley, 18 ft. wide, lying southerly of and adjacent to lots 156 through 159 and part of lot 160 and lying northerly of and adjacent to lot 155 of "Frischkorn's Dynamic Subdivision" as recorded in Liber 48, Page 66 of Plats, Wayne County Records.

Provided, That the petitioner shall file with the Finance Department and/or City Engineering Division — DPW an indem-

nity agreement in the form approved by the Law Department. The agreement shall save and protect the City of Detroit from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public street closing; and

Provided, The property owned by the petitioner and adjoining the temporary public street closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the street; and

Provided, No building or other structures of any nature whatsoever, including, but not limited to, concrete slabs or driveways, retaining or partition walls, line fences or gates, shall be constructed on or over the public right of way. The petitioner shall observe the rules and regulations of the City Engineering Division — DPW. The City of Detroit retains all rights and interests in the temporary closed public right of way. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporary closed public rights of way. Further, the petitioner shall comply with all specific conditions imposed to ensure unimpeded 24 hour-per-day access to the City and utility companies; and

Provided, This resolution does not permit the storage of materials, displays of merchandise or signs within the temporary closed public rights of way. Further, the placement of materials, merchandise, or signs on any adjacent temporary area is prohibited; and

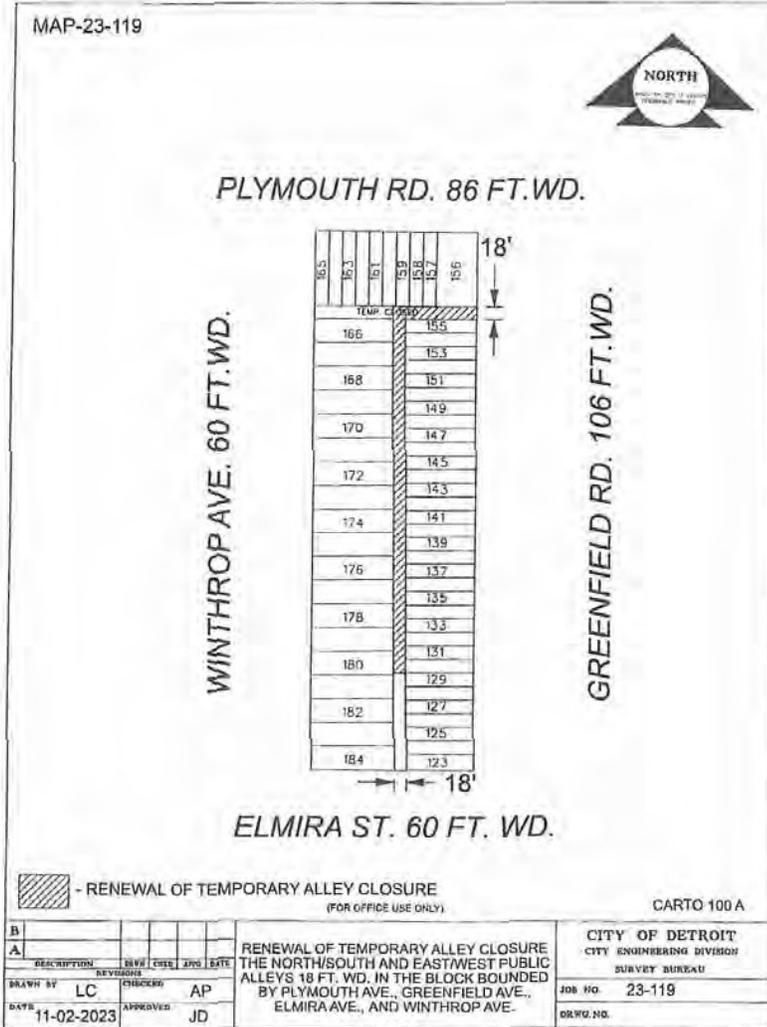
Provided, That if there is still a need for access from any of the abutting property owners to said temporary closed street, access shall and must be maintained for those properties; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division — DPW by the petitioner at the petitioner's expense; and

Provided, That this resolution is revocable at the will, whim, or caprice of the Detroit City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (Upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, That this permit shall not be assigned or transferred without the written approval of the Detroit City Council; 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.



Adopted as follows:
Yeas — Council Members Benson, Durhal, III, Johnson, Santiago-Romero, Tate, Waters, Young, II and President Sheffield — 8.
Nays — None.

**Department of Public Works
City Engineering Division**

November 3, 2023

Honorable City Council:

Re: **Petition Number x2023-374** — General Services Division request to vacate, with reserve of utility easement, the remaining part of the east-west public alley bounded by Edsel Ford E. Service Dr., Grandy Avenue, Medbury Avenue, and Chene Street.

Petition No. x2023-374 — General Services Division request to vacate, with reserve of utility easement, the remaining part of the east-west public alley, 20 ft. wide, bounded by Edsel Ford E. Service Dr., 40 ft. wide, Grandy Avenue, 66 ft. wide, Medbury Avenue, 60 ft. wide, and Chene Street, 66 ft. wide.

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, and City Engineering — DPW.

Detroit Water and Sewerage Department (DWSD) has no objection 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. 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, The public alley, General Services Division request to vacate, with reserve of utility easement, the remaining part of the east-west public alley, 20 ft. wide, bounded by Edsel Ford E. Service Dr., 40 ft. wide, Grandy Avenue, 66 ft. wide, Medbury Avenue, 60 ft. wide, and Chene Street, 66 ft. wide, further described as land in the City of Detroit, Wayne County, Michigan being: the public alley, 20 ft. wide, lying northerly of and adjacent to lots 38 through 42 and southerly of and adjacent to lot 12 through 16 of "Simon's Subdivision" as recorded in Liber 9, Page 87 of Plats, Wayne County Records; also the parts of said lots 38 and 16, being the southerly 5 ft. of lot 16 and the northerly 5 ft. of lot 38, dedicated to right-of-way purposes by resolution of the City of Detroit City Council on Oct 2nd, 1923.

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 result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of