

Adopted as follows:
 Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**

July 24, 2002

Honorable City Council:

Re: Petition No. 3369 — Knight Enterprises et. al., requesting for conversion of an alley and street to easement in the area of Livernois, Midland, and Petoskey.

Petition No. 3369 of "Knight Enterprises et. al." request conversion of a portion of the North-South public alley in the block bounded by Livernois Avenue, 120 feet

wide, Petoskey Avenue, 50 feet wide, Midland Avenue, 50 feet wide, and John C. Lodge, also the Southerly portion of Petoskey Avenue, 50 feet wide, south of Midland Avenue, 50 feet wide into a private easement for privates.

The request was approved by Michigan Department of Transportation Real Estate Division, 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.

The property owner at 15505 Petoskey requires access to the rear of their property, therefore, only the southern portion of said public alley will be converted to easement.

If the petitioner at any time plans to

discontinue use of the paved alley and street entrances, the petitioner shall pay all incidental removal costs.

All other city departments and private utility companies have reported no objection to the conversion of public rights-of-way into private easement for utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member Everett:

Resolved, All that part of the North-South public alley, 15 feet wide, in the block bounded by Livernois Avenue, 120 feet wide, Petoskey Avenue, 50 feet wide, Midland Avenue, 50 feet wide, and John C. Lodge Service Drive, lying Easterly of and abutting the East line of Lots 2 through 7, both inclusive, and the North 5.00 feet of Lot 1, also lying Westerly of and abutting and West line of Lots 34 through 38, both inclusive, and the State Owned Property; also All that part of Petoskey Avenue, 50 feet wide, South of Midland Avenue, 50 feet wide, lying Westerly of and abutting the West line of lots 46 through 44, (State Owned Property) both inclusive, also lying Easterly of and abutting the East line of lot 35 and the 7.7 feet of Lot 36, also abutting John C. Lodge Service Drive, all in the "Ford Plains Subdivision" of part of P.C.'s 6 & 7, Harper Tract in S.W. 1/4 of Sec. 15 — T.1S., R.11E., Greenfield Township, Wayne County, Michigan as recorded in Liber 35, Page 39 Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and street and is hereby converted into a private easement for public utilities of the full width of the alley and street, 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 alley and street and by their heirs, executors, administrators and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public alley and street 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 and street 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 alley and street 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 easements or rights-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,

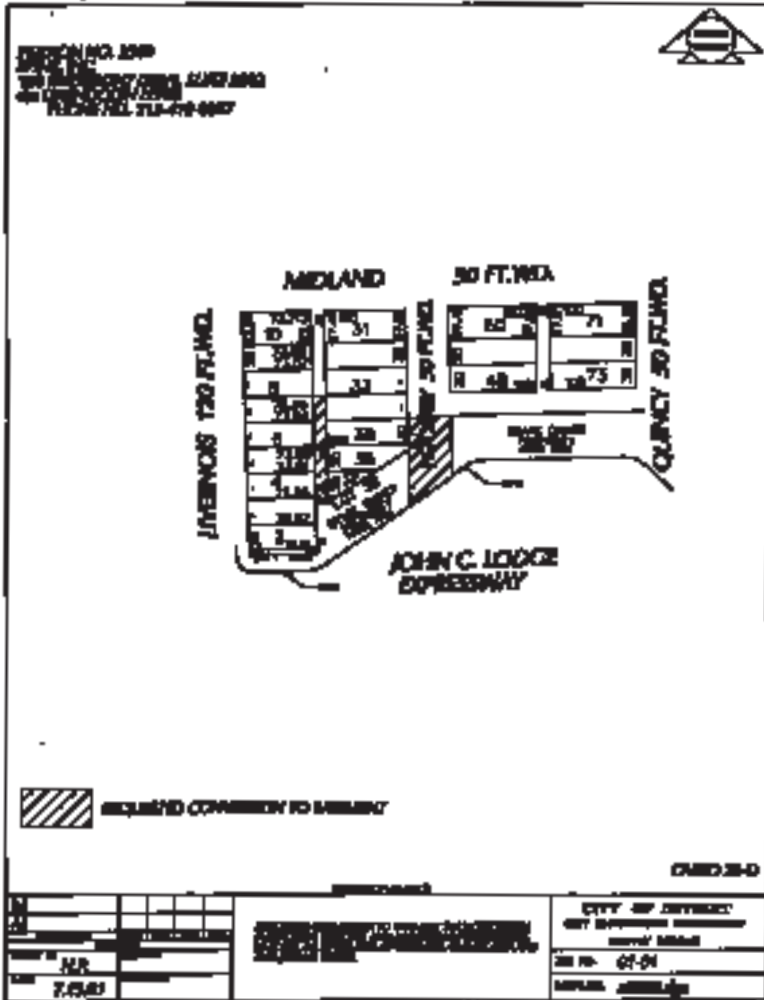
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easements, nor change of surface grade made, without prior approval of the City Engineering Division — DPW.

Fourth, That if the owners of any lots abutting on said vacated alley and street shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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 if it becomes necessary to remove the paved return at the entrances, 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 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 Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.

Nays — None.

RESOLUTION IN OPPOSITION TO THE DETROIT INTERMODAL FREIGHT TERMINAL (DIFT)

By COUNCIL PRESIDENT PRO TEM. KENNETH COCKREL, JR., PRESIDENT MARYANN MAHAFFEY, Joined by ALL COUNCIL MEMBERS:

WHEREAS, The Michigan Department of Transportation is planning construction of an intermodal freight terminal in Southwest Detroit; and

WHEREAS, The proposed Detroit Intermodal Freight Terminal project would be an 840-acre complex of terminals to be

operated by four railroad companies for rail and truck use; and

WHEREAS, MDOT secured a consultant to assess the feasibility of three different "rail strategies" for development of the DIFT and, having completed that process, is proposing to build the DIFT under what is known as "Rail Strategy 3;" and;

WHEREAS, Based on MDOT's own projections, implementation of DIFT Rail Strategy 3 would bring an additional 16,000 trucks into the surrounding neighborhoods each day even though this area is already overburdened by excess truck traffic; and

WHEREAS, Diesel exhaust fumes contain numerous toxic substances and have been proven to be a major health hazard particularly to children and senior citizens; and