

lution, which authorizes the Finance Director to accomplish the transfer.

Respectfully submitted,
JAMES A. JACKSON
Director

Approved:

PAMELA SCALES
Deputy Budget Director
SEAN WERDLOW
Finance Director

By Council Member Watson:

Resolved, That, in accordance with the foregoing communication the Finance Director is hereby authorized to transfer up to 25% of the Major Street Fund to the Local Street Fund.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Watson, Tinsley-Talabi, and President Mahaffey — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

February 14, 2005

Honorable City Council:

Re: Petition No. 3178 — The Velmeir Companies for vacation of alley and conversion into easement in the area of Michigan Avenue, Martin and Braden Streets.

Petition No. 3178 of "The Velmeir Companies" 5757 West Maple Road, Suite 800, West Bloomfield, Michigan 48322, request to vacate (outright) and to vacate and convert to utility easement, portions of a public alley, 20 feet wide, in the block bounded by Braden Avenue, variable width, Martin Avenue, 66 feet wide, Michigan Avenue, 100 feet wide and Horatio Avenue, 50 feet wide. The proposed right-of-way changes are required, in order to facilitate the construction of a new CVS Pharmacy, Store Number 8141. Also, the Detroit Public Schools has agreed to dedicate land required to adjust the Braden Avenue right-of-way.

The request was approved by the Planning and Development Department, the 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:

All City departments and privately owned utility companies have reported no objections to the changes in public rights-of-way, or that satisfactory arrangements have been made. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
WILLIAM TALLEY
Head Engineer
City Engineering Division — DPW

By Council Member Watson:

Resolved, All that part of the east-west public alley, 20 feet wide, in the block bounded by Braden Avenue, variable width, Martin Avenue, 66 feet wide, Michigan Avenue, 100 feet wide and Horatio Avenue, 50 feet wide, lying Northerly of and abutting the North line of the Westerly 52.5 feet of Lot 28, Lot 29 and the Eastely 30.24 feet of Lot 30; also, lying Southerly of and abutting the South line of the Westerly 186.6 feet of the Easterly 212.24 feet of Lot 23, "Plat of Edward Martin Estate on P.C. 719' T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 451, Page 566-7, Deeds, Wayne County Records.

Be and the same is hereby vacated as a public alley to become part and parcel of the abutting property, subject to the following provisions;

Provided, The petitioner relocate and/or remove Public Lighting Department (PLD) facilities (if necessary). Any damage done to existing PLD facilities by the proposed construction must be repaired at project cost; and further

Provided, That any alterations to the City's water mains and sewers be done under Detroit Water and Sewerage Department (DWSD) permit and inspection, in accordance with plans approved by DWSD. Also, these alterations are to be done at the petitioner's expense at no cost to DWSD. Also, provided that the petitioner enters in to an easement agreement with DWSD prior to any work beginning; and further

Provided, That the petitioner shall deposit with DWSD (if necessary), in advance of engineering, inspection and survey, such amounts as DWSD deems necessary to cover the costs of these services, and that all work necessary to maintain the existing sewer service and/or to modify, alter, relocate and construct the sewer and access manholes (if necessary) is to be done by the petitioner at no cost to DWSD; and further

Provided, That the petitioner makes satisfactory arrangements with DTE Energy for the costs of removing and/or rerouting its services, and further

Provided, That the petitioner makes satisfactory arrangements with MichCon Gas for the costs of removing and/or rerouting its services, and further

Provided, That the petitioner makes satisfactory arrangements with Comcast Cablevision for the costs of removing and/or rerouting its services, and further

Provided, That the petitioner makes satisfactory arrangements for any removing and/or rerouting of SBC facilities with its Customer Growth Group; and further

Provided, That satisfactory arrangements have been made with all other involved city departments and privately owned utility companies; and further

Provided, That if it becomes necessary to remove the paved return(s) at their entrance(s), 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 before any construction shall be permitted within the vacated parts of alleys, mentioned above, the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval; and be it further

Resolved, That all that remaining part of said east-west public alley, 20 feet wide, in the block bounded by Braden Avenue, variable width, Martin Avenue, 66 feet wide, Michigan Avenue, 100 feet wide and Horatio Avenue, 50 feet wide, lying Northerly of and abutting the North line Lot 24-27, inclusive, and the Easterly 0.56 feet of Lot 28 and lying Southerly of and abutting the South line of the Westerly 23.3 feet of Lot 23 and Lot 24, together with that portion of said public alley lying Northerly of and abutting the North line of the Westerly 22.82 feet of Lot 30 and lying Southerly of and abutting the South line of the Westerly 22.82 feet of Lot 23 of said "Plat of Edward Martin Estate on P.C. 719" T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 451, Page 566-7, Deeds, Wayne County Records;

Be and the same is hereby vacated as public rights-of-way and is hereby 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 easements or rights-of-way over said vacated public right-of-way 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 to and over said easement for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated rights-of-way herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically autho-

rized 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, concrete slabs or driveways, 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 rights-of-way 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

Resolved, The following described privately owned property is hereby dedicated for public street purposes:

Land in the City of Detroit, Wayne County, Michigan being The South 215.21 feet of a Private Way lying Westerly of and adjacent to Lots 23 and 30, except the alley as opened, "Plat of Edward Martin Estate on P.C. 719" T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 451, Page 566-7, Deeds, Wayne County Records.

Provided, That all taxes with respect to property of which the Dedication Area is a part shall be paid and proof thereof furnished to the Law Department; and

Provided, That proof of compliance with Detroit Ordinance No. 29-94, Detroit Code Sections 2-2-11 through 2-2-15 also known as the Environmental Review Guidelines, is furnished to the Law Department; and

Provided, That the fee owner submit a properly executed deed acceptable to the Law Department; and
 Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.



