

**Department of Public Works  
City Engineering Division**

April 22, 2005

Honorable City Council:

Re: Petition No. 3341 — Taktix Solution, LLC, for vacation (outright) and conversion to easement of certain public rights-of-way in the area of Fourth, Forsyth and Holden.

Petition No. 3341 of "Taktix Solution, LLC," 211 W. Fort St., Ste. 1620, Detroit, Michigan 48226, request to vacate (outright) a portion of a public alley, 20 feet wide, in the block bounded by Forsyth Avenue, variable width, Fourth Avenue, 50 feet wide, Edsel Ford Freeway and Holden Avenue, 66 feet wide, and request the conversion of Forsyth Avenue south of Holden Avenue, into a private easement for public utilities.

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.

The Public Lighting Department (PLD) reports having manholes and underground fed street lighting circuits running in the area of the requested easement. PLD needs 24 hour unrestricted easement rights, with heavy vehicle access, to its installations. Any construction activities in the area shall be done protecting PLD installations per PLD specifications. Any structure, if proposed, shall maintain clearances acceptable to the PLD. Any damage to PLD installations will be the liability of the contractor.

The Detroit Water and Sewerage Department (DWSD) reports no objections the area of the requested outright vacation. There is an existing 8-inch water main within the area to be reserved as an easement.

Arrangements have been made with Detroit Edison for the reported costs of removing and/or rerouting its facilities.

All City departments and privately owned utility companies have reported no objections to the changes in public rights-of-ways, 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 east-west public alley, 20 feet wide, in the block bounded by Forsyth Avenue, variable width, Fourth Avenue, 50 feet wide, Edsel Ford Freeway and Holden Avenue, 66 feet

wide, lying Southerly of and abutting the South line of Lots 12-15, both inclusive, lying Northerly of and abutting the North line of Lot 16, lying Northerly of and abutting the Northeasterly line of Lot 17, also lying Easterly of and abutting the North 1.85 feet of the East line of said Lot 17, as of "Duncans Sub'n of Lots 23, 24, 25, 26, 27 and the North 1/3 of Lot 22, Connors' Sub'n of the Forsyth Farm" City of Detroit, Wayne County, Michigan, as recorded in Liber 20, Page 42, Plats, Wayne County Records; Also, lying Southerly of and abutting the South line of Lots 2 & 3, of "Plat of Albert Cranes' Section of the Crane Farm being blocks 25, 33, 35, 37, 38, 39, 40, 42, 43 and 45 of the Crane Farm", City of Detroit, Wayne County, Michigan, as recorded in Liber 1, Page 151, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley to become part and parcel of the abutting property; and be it further

Resolved, All that part of Forsyth Avenue, (except that part taken for the opening of the John C. Lodge Freeway) south of Holden Avenue, lying Westerly of and abutting the West line of Lots 16-21, both inclusive, of "Duncans Sub'n of Lots 23, 24, 25, 26, 27 and the North 1/3 of Lot 22, Connors' Sub'n of the Forsyth Farm" City of Detroit, Wayne County, Michigan, as recorded in Liber 20, Page 42, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities of the full width of the street (except that part taken for the opening of the John C. Lodge Freeway), 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 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 an easement or right-of-way over said vacated public 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 street 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 easement or right-of-way in and over said vacated 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 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 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 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 street 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 further

Provided, that an easement, the full width of the existing street (except that part taken for the opening of the John C. Lodge Freeway), 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 egress

at any time to, and over said easement for the purpose above set forth, and further

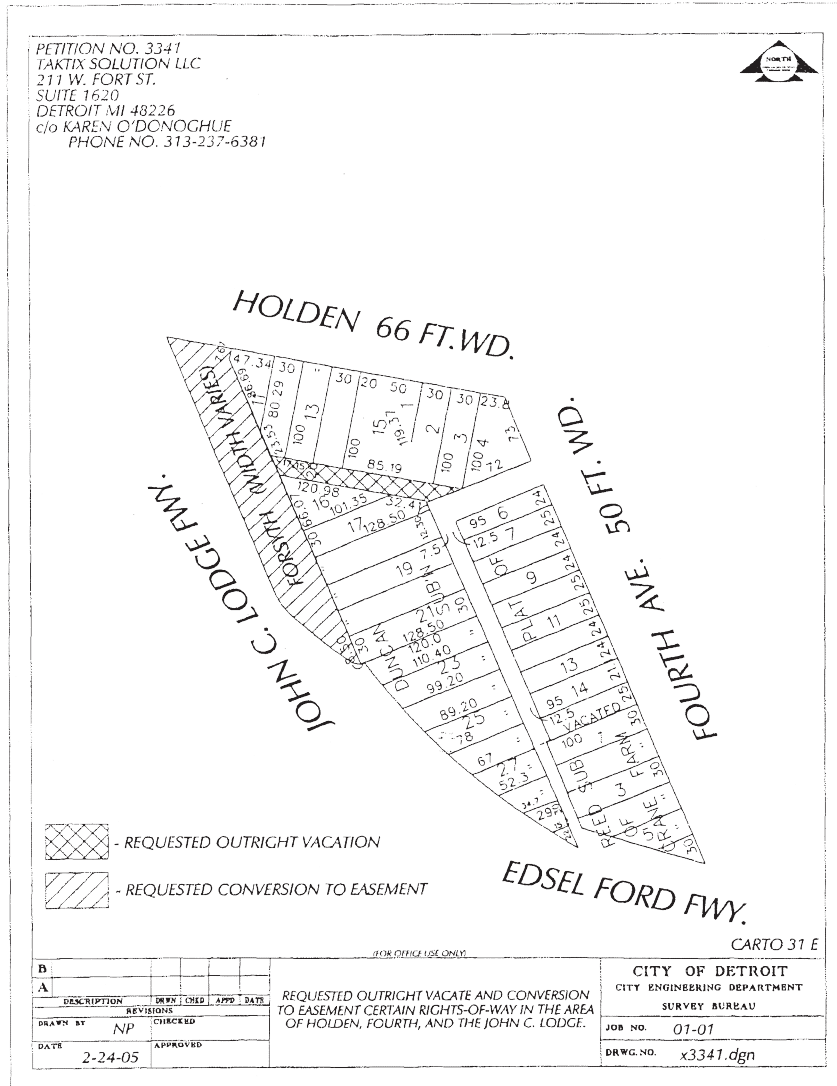
Provided, That free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is reserved for the Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities, and further

Provided, The Detroit Water and Sewerage Department has the right to install suitable permanent main location guide posts over its water mains at reasonable intervals and points of deflection, and 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 fences, 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 further

Provided, That if at any time in the future, the owners of any lots abutting on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incidental 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 cost incidental to the repair of such broken or damaged sewers and water mains, and shall also be liable for claims for damages resulting from his/her actions, 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 Bates, K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.  
 Nays — None.

**Mayor's Office**

March 23, 2005

Honorable City Council:  
 Re: Intergovernmental Agreement Between the City of Detroit and the County of Wayne for Enforcement of Certain City Ordinances

The City of Detroit and the County of Wayne wish to enter into *Intergovernmental Agreement Between The City of Detroit and The County of Wayne* pursuant to which the Wayne County Sheriff's Department Municipal Support Enforcement Unit (MSEU) may provide assistance to the Detroit Police Department for enforcement of certain City ordi-

nances, as specified in the agreement, that are committed in the presence of the MSEU. Such agreement is expected to benefit the City by increasing revenues generated from ordinance enforcement by increasing protection of City streets from violations of those ordinances.

The agreement has been fully executed and the Wayne County Commission has approved, by resolution, the accompanying *Intergovernmental Agreement Between The City of Detroit and The County of Wayne*. We are requesting approval by your Honorable Body so that the *Intergovernmental Agreement* may become effective.

Attached is the proposed Resolution Approving the *Intergovernmental Agreement Between The City of Detroit and The County of Wayne*, which we request that your Honorable Body adopt. In addition, attached is a copy of the