

Adopted as follows:  
 Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**

May 25, 2006

Honorable City Council:

Re: Petition No. 3523 — American Axle and Manufacturing request for the outright vacation of Vulcan Street, Fordyce Avenue, Marston Avenue and Morrow Avenue.

Petition No. 3523 of "American Axle and Manufacturing" at One Dauch Drive — Detroit, Michigan 48211, request the outright vacated of Morrow Avenue, 66 feet wide, Fordyce Avenue, 50 feet wide, and Vulcan Avenue, 30 feet wide all in the area of the Grand Trunk Railroad right-of-way, Marston Avenue, 66 feet wide, St. Aubin Avenue, 60 feet wide, and Euclid Avenue, 60 feet wide (vacated). This request is for the beautification and safety improvements for American Axle and Manufacturing World Headquarters and Detroit Gear and Axle/Detroit Forge Manufacturing Complex.

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

The Public Lighting Department (PLD) reports no objection to the proposed vacation. However, PLD have street lighting fixtures on Morrow, Fordyce and Vulcan, and will remove the fixtures at no cost to the petitioner after proper notification.

The Detroit Water and Sewerage Department (DWSD) reports no objection to the requested outright vacation provided that a private DWSD easement is reserved for the water mains and sewers, and the attached provisions for conversion to easement is part of this resolution.

Detroit Edison Company (DTE) reports a cost of \$21,200.00 for the removing and/or rerouting of Electric services. Also gas is involved because DTE have existing gas mains located in all streets to be vacated. DTE have a 12-inch Steel (50 psig) gas main in Morrow, 4-inch C.I. (10 psig) gas main in Fordyce and Vulcan. DTE request for a private easement to be reserved for DTE's facilities.

All other involved City departments and privately owned utility companies reported no objections 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 Tinsley-Talabi:

Resolved, All that part of Morrow Avenue, 66 feet wide, between Marston Avenue, 60 feet wide and Euclid Avenue, 60 feet wide, (vacated) lying Easterly of and abutting the East line of Lot 1 through 24, both inclusive, and lying Westerly of an abutting the West line of Lots 25 through 48, both inclusive, all in the "Wilkin's Subdivision of a Part of 1/4 Sections 58 and 59 10000 Acre Tract, Hamtramck (now City of Detroit) Wayne County, Michigan as recorded in Liber 11 Page 59, Plats, Wayne County Records;

Also, All that part of Fordyce Avenue, 50 feet wide, between Marston Avenue, 60 feet wide and Euclid Avenue, 60 feet wide, (vacated) lying Easterly of and abutting the East line of the South 30.00 feet of Outlot 21 of the Holbrook Subdivision, and Lots 49 through 72, both inclusive, and lying Westerly of and abutting the West line of Lots 73 through 96, both inclusive all in the "Wilkin's Subdivision of a Part of 1/4 Sections 58 and 59 10000 Acre Tract, Hamtramck (now City of Detroit) Wayne County, Michigan as recorded in Liber 11 Page 59, Plats, Wayne County Records;

Also, All that part of Vulcan Avenue, 30 feet wide, between Fordyce Avenue, 50 feet wide, and St. Aubin Avenue, 60 feet wide lying Southerly of and abutting the South line of Lots 1 and 153, and the public alley, 15 feet wide, (vacated), and Fordyce Avenue 25 feet wide (vacated) all on December 6, 1995 J.C.C. Pgs. 3099-3107, all in the William Y. Hamlin's Subdivision of Lots 19 and 20 of Holbrook's Subdivision of Quarter Section 42, 10,000 Acre Tract, Hamtramck (now City of Detroit) Wayne County, Michigan as recorded in Liber 9 Page 61, Plats, Wayne County Records; and the East 25.00 feet of Out Lot 21 in the Holbrook Subdivision, and lying Northerly of and abutting the North line of Lots 96 and 97 in the "Wilkin's Subdivision of a Part of 1/4 Sections 58 and 59 10000 Acre Tract, Hamtramck (now City of Detroit) Wayne County, Michigan as recorded in Liber 11 Page 59, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions:

Provided, That a private easement is retained for the Detroit Water and Sewerage Department and Detroit Edison Company (DTE) Gas and Electric, and be it further

Provided, that an easement, the full width of the existing right-of-way, 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 and egress at any time to, and over said easement for the purpose

above set forth, and be it further

Provided, that free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for 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 be it further

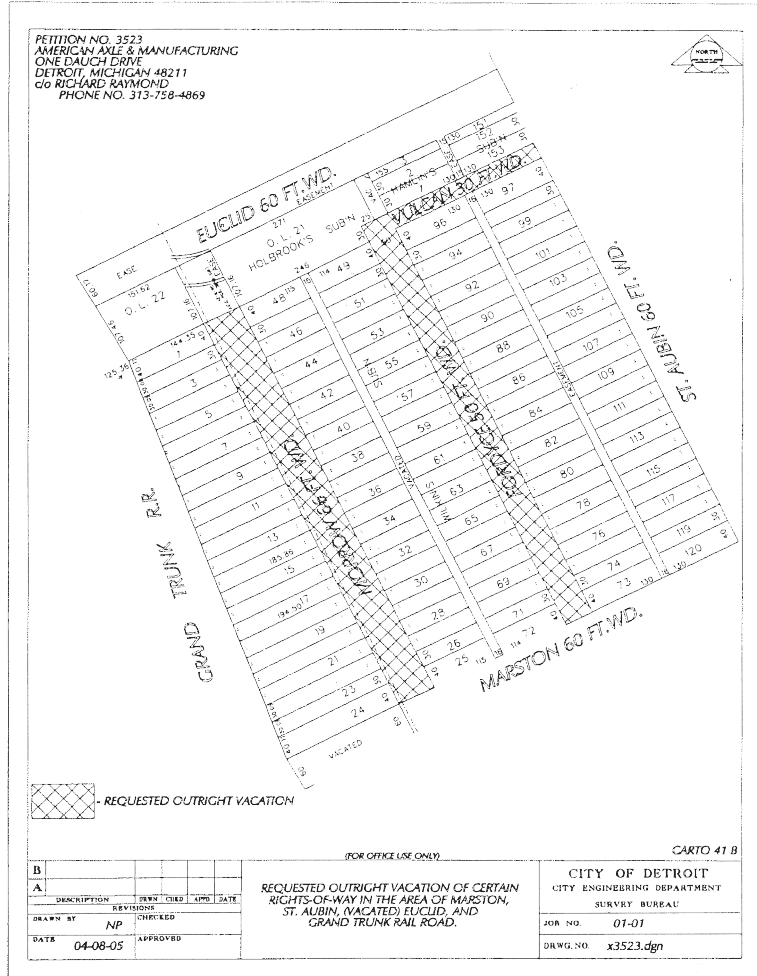
Provided, That the Detroit Water and Sewerage Department (retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points of deflection; and be it further

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 easements, or that no grade changes or storage of materials shall be made within said easements, without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, That if at any time in the future, the owners of any lots abutting on said vacated streets shall request the removal and/or relocation of the aforementioned utilities in said easements 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 incident to the repair of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; 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 S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.  
Nays — None.

**Department of Public Works  
City Engineering Division**  
May 30, 2006

Honorable City Council:  
Re: Petition No. 2570. D&S Property Mgt. LLC, request for the temporary closure of the public alley located at 18657 James Couzens Service Drive.

Petition No. 2570 of "D&S Property Mgt. LLC", whose address is 18657 James Couzens, Detroit, Michigan 48235, request for the temporary closure of the North-South public alley, 20 feet wide, in the block bounded by Ardmore Avenue, 98 feet wide, Margareta Avenue, 50 feet wide, and James Couzens Service Drive SB for a five year period.

The request was approved by the Traffic Engineering Division — DPW and the Planning and Development Department. This petition was referred to the City Engineering Division — DPW for investigation and report. This is our report.

All other city departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress and egress at all time to their facilities.

An appropriate resolution, containing the necessary conditions, is attached for consideration by your Honorable Body.

Respectfully submitted,  
WILLIAM TALLEY  
Head Engineer

City Engineering Division — DPW  
By Council Member Tinsley-Talabi:

Whereas, the City Engineering Division — DPW is hereby authorized and directed to issue permits on behalf of "D&S Property Mgt. LLC" whose address is 18657 James Couzens, Detroit, Michigan 48235 to close the North-South public alley, 20 feet wide, in the blocks bounded by Ardmore Avenue, 98 feet wide, Margareta Avenue, 50 feet wide, and James Couzens Service Drive (SB) lying Easterly of and abutting the East line of Lots 459, 465, 466, and the public alley vacated on September 21, 1948 — JCC Pg. 2527, and lying Westerly of and abutting the West line of Lots 431 through 454, both inclusive, all in the "Ramm and Company's Northwestern Highway Subdivision No. 3" of Part of the North 3/4 of the East 1/2 of the Northeast 1/4 of Section 7 T.1. S. R.11.E. Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 49 Page 7, Plats, Wayne County Records; on a temporary basis to expire on June 1, 2011;

Provided, That the petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save protect the City of Detroit Harmless 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 thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing; and be it further

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and be it further

Provided, The property owned by the petitioner and adjoining the temporary public alley 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 be it further

Provided, No building or structures of any nature whatsoever (except necessary line fence), shall be constructed on or over the street. The petitioner shall observe the rules and regulations of the City Engineering Division — DPW. The City of Detroit retains all rights and interest in the temporary closed public alley. The city and all utility companies retain their right to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. 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 be it further

Provided, All of the petitioner's public property fence and gate installations shall be subject to the review and approval of the City Engineering Division — DPW, (if necessary, in conjunction with the Traffic Engineering Division — DPW, and the Planning and Development Department); and be it further

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

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 be it further

Provided, 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