

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**

April 10, 2006

Honorable City Council:
 Re: Petition No. 4420 — Eastside Land Inc., requesting for additional vacation of Ashland Avenue in the area of Mack, Alter and Manistique.

Petition No. 4420 of "Eastside Land Inc.", at 11148 Harper Avenue, Detroit, Michigan 48213, request to outright vacate and conversion to easement of portion of Ashland Avenue, 60 feet wide, in the block bounded by Mack Avenue, 120 feet wide, Charlevoix Avenue, 60 feet wide, Alter Avenue, 66 feet wide, and Manistique Avenue, 60 feet wide for the completion of a New Multi-Shopping Plaza.

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

The Detroit Water and Sewerage Department (DWSD) reports there are an existing 13-foot 6-inch sewer and a 6-inch water main all in Ashland Avenue. DWSD have no objection provided a 30 feet easement is retained for maintenance and/or repair and provisions for conversion to easement are part of the resolution.

The Planning and Development Department (P&DD) is responsible for the construction of the connector street to Ashland and Manistique Avenues per City standards as stated on a letter dated March 23, 2006 to Cathy Square, Director of DPW from Douglas Diggs, Director of P&DD.

Public Lighting Department (PLD) reports having a streetlight located at the Northwest corner of Ashland Avenue. This light is outside (South) of the development boundary wall. PLD have no objection to the proposed vacation contingent upon the City of Detroit written authorization from the petitioner to maintain the pole in the current location.

SBC/AT&T telecommunication reports having underground facilities that service the New Multi-Shopping Plaza from the rear. Any relocation of SBC/AT&T facilities will be at the expense of the petitioner and/or the requestor.

All other City Departments and privately owned utility companies reported no objections to the proposed right-of-way changes or that satisfactory arrangements have been made. Provisions protecting utility installations (if necessary) are part of the resolution.

An appropriate resolution is attached for consideration by your Honorable Body. Respectfully submitted,

WILLIAM TALLEY

Head Engineer

City Engineering Division—DPW

By Council Member Conyers:

Whereas, Petition No. 4420 of "Eastside Land Inc.", at 11148 Harper Avenue, Detroit, Michigan 48213, request to Outright vacate the West 25.33 and East 4.67 feet of Ashland Avenue, 60 feet wide, between Mack Avenue, 120 feet wide, and Charlevoix Avenue, 60 feet wide. 2. Convert the remaining 30.00 feet wide portion of Ashland Avenue, 60 feet wide a public street into a private easements for utilities for the completion of a New Multi-Shopping Plaza, therefore be it.

Resolved, All that part of the Westerly 25.33 feet of Ashland Avenue, 60 feet wide, between Mack Avenue, 120 feet wide, and Charlevoix Avenue, 60 feet wide; Lying Easterly of and abutting the East line of Lots 308 through 310, both inclusive, and all that part of the Easterly 4.67 feet of Ashland Avenue, 60 feet wide, (between Mack Avenue, 120 feet wide, and Charlevoix Avenue, 60 feet wide) lying Westerly of and abutting the West line of Lots 449 through 451, both inclusive, all in the "C.B. Sherrard Subdivision of that part of P. C. 120 lying between the Northerly line of Kercheval Avenue and the center line of Mack Avenue," Township of Grosse Pointe and (now) City of Detroit, as recorded in Liber 32 Page 58, Plats, Wayne County Records;

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

Provided, That 1. A 30.00 feet wide portion of Ashland Avenue is reserved for an easement to maintain and/or repair existing DWSD facilities; 2. The petitioner owns all abutting properties to the requested outright vacation of the street within said project area; 3. All sewer alteration work is to be done at petitioners' expense and at no cost to DWSD, and be it further

Provided, That any relocation of SBC/AT&T facilities will be at the expense of the petitioner and/or requestor, and be it further

Resolved, All that part of a 30.00 feet wide portion of Ashland Avenue, 60 feet wide, South of Mack Avenue, 120 feet wide and North of the connector street and Lot 448 in the "C. B. Sherrard Subdivision of that part of P. C. 120 lying between the Northerly line of Kercheval Avenue and the center line of Mack Avenue," Township of Grosse Pointe and (now) City of Detroit, as recorded in Liber 32 Page 58 Plats, Wayne County Records, being the West 30.00 feet of the East 34.67 feet of Ashland Avenue, 60 feet wide;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement of the full width of the street, which easements shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of said street and by their heirs, executors, administrators and assigns, forever to wit;

Provided, That an easement, the full width of the said 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 the Detroit Water and Sewerage Department equipment, including the use of backhoes, bulldozers, 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 posts 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 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 be it 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 incident 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 costs 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/her action; and be it further

First, said owners hereby grant to and for the use of the public 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 public streets 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,

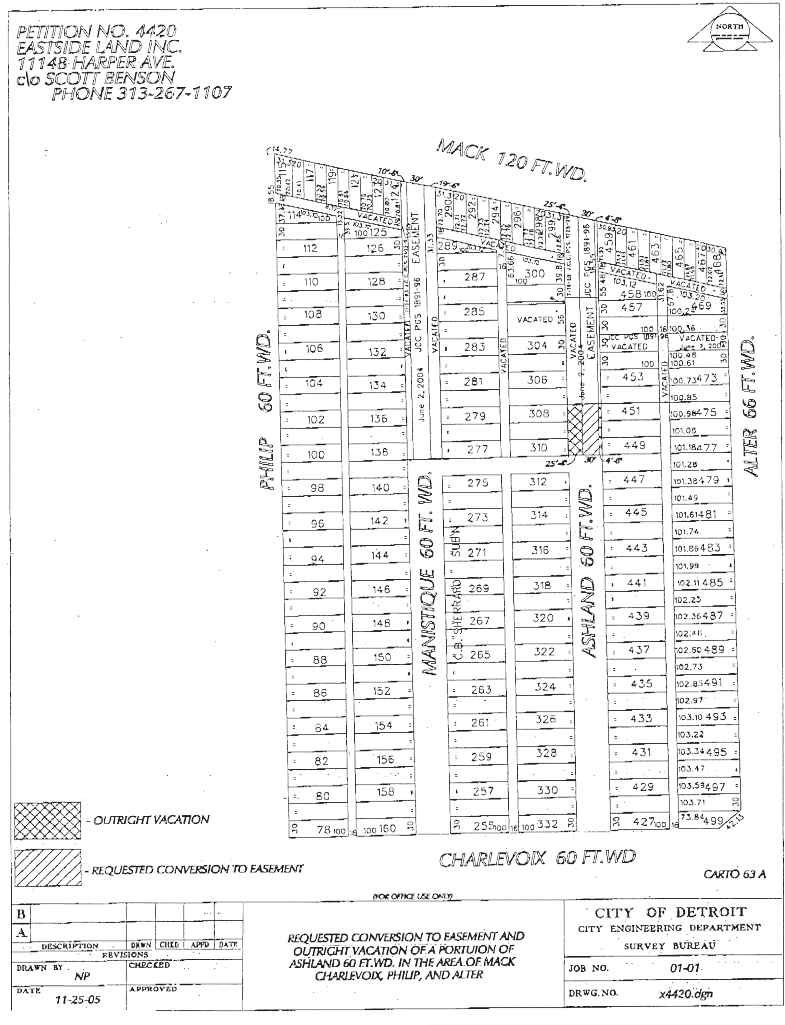
Second, Said utility easement or right-of-way in and over said vacated street herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, 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 an 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, 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 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**
 April 17, 2006

Honorable City Council:
 Re: Petition No. 2622 — Detroit Catholic Pastoral Alliance, request for permanent closure of streets and alleys in the area of McClellan and Chaplin Avenues.
 Petition No. 2622 of "Detroit Catholic Pastoral Alliance" whose address is 5807 McClellan, Detroit, Michigan 48213 request for outright vacation and conversion to easement of certain rights-of-way

in the block bounded by Barker Avenue, 50 feet wide, Chaplin Avenue, 50 feet wide, McClellan Avenue, 66 feet wide, and Cooper Avenue, 60 feet for the construction of a 62 unit senior citizen apartment building called The Gratiot Woods Co-Operative Apartments.
 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 clearance) and report. This is our report:
 The Public Lighting Department reports cost of \$2,500.00 for the removal of PLD utilities contingent upon no unexpected difficulties are encountered in the field.
 SBC/AT&T Telecommunication reports