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Resolved, That any regulation or restriction in conflict with the foregoing be and the same is hereby rescinded.

Provided, That the traffic regulations adopted pursuant to the Ordinance provisions of Section 55-2-1, 55-2-2, and 55-2-3 of Chapter 55, Article 2, of the Code of Detroit and properly indicated by signs, signals, markings, or other devices as authorized by the ordinance provisions, and further

Provided, The traffic regulations listed in the communication above referred to shall be kept on file by the City Clerk in her office for reference and for inspection.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

Department of Public Works

July 17, 2007

Honorable City Council:

Re: Petition No. 1096 — Wayne State University, requesting for vacation of public alley rights-of-way in the area of West Forest, Woodward, Canfield, and Cass Avenue, for Phase I construction of the "South University Village — Studio One Project".

Petition No. 1096 of "Wayne State University" whose address is 5700 Cass Avenue, Suite 4900, Detroit, Michigan 48202 request to Outright vacate the East — West public alley, 20 feet wide, a portion been deeded to City of Detroit on May 14th, 1895 and convert the North — South public alley, 15 feet wide, the first alley West of Woodward into a private easement for utilities, also request that the Honorable City Council accept an easement, variable width, over private property for a new alley outlet all in the area South of West Forest Avenue, 70 feet wide, and between Cass Avenue, 80 feet wide, and Woodward Avenue, 120 feet wide. This request is to facilitate the construction of Phase One of a five (5)-story market rate, mixed use residential and commercial structure with off street parking.

The City Engineering Division — DPW/Street Design Bureau and the Traffic Engineering Division of DPW approved the request. The petition referred to the City Engineering Division-DPW for investigation (utility review) and report. This is our report.

The Detroit Water and Sewerage Department (DWSD) reports no objections to the requested conversion to easement and outright vacation of the alleys in regards to our water facilities provided that the existing water main easement crossing the east-west alley remains as a water main easement. There is a sewer located in the east-west alley to be out-

right vacated that has to remain in service, however, DWSD has no objections to the requested outright vacation of the east-west alley provided that the petitioner agrees to relocate the existing sewer located in the alley. The sewer is to be relocated at the Petitioner's expense at no cost to DWSD. The sewer is to be relocated under DWSD's permit and inspection and in accordance with plans approved by DWSD.

The Public Lighting Department (PLD) reports PLD an overhead — fed alley lights and PLD pole in the alley request for easement, however, PLD do not have any facilities in the area request for vacation. No structure can be built over PLD installations. Any structure proposed to be built shall maintain 10 feet horizontal clearance for the overhead PLD lines and installations. The contractor will be liable for any damages to any PLD facilities. We need easement rights with 24 hours heavy vehicle access.

The Traffic Engineering Division (TED) reports no objection to the requested conversion to easement of the north-south public alley and the outright vacation of the east-west public alley provided that the East-West dedicated portion shall be constructed as per City standards and is open for use by vehicular and pedestrian traffic before the vacation of the East-West public alley.

DTE Energy - Gas and Electric Division reports that the Gas Division has no objection to the requested conversion to easement and outright vacation. The Electric Division reports a cost of \$282,100.00 for the removing and/or rerouting such services.

AT&T Communications reports that if the manhole located at the West end of the East-West public alley, 20 feet, be required to be moved, the cost to relocate the manhole is the responsibility of the petitioner.

City Council is requested to accept the easement for a new alley outlet for public purposes; provided said property complies with the requirements of Detroit codes and ordinance No. 29-94; Detroit Code Sections 2-1-11 through 2-1-15 also known as the Environmental Review Guidelines", and that the fee owner submit a properly executed "warranty" deed; proof of lien-free ownership; proof of paid Wayne County Taxes and proof of paid Detroit property taxes. The new public widening must be constructed to City Engineering Division-DPW specifications.

All other city departments and privately owned utility companies have no objections to the requested conversion to easement and easement for a new alley outlet of the public rights-of-way.

Respectfully submitted,

JESSY JACOB
Interim City Engineer

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By Council Member Reeves:

Resolved, all that part of the North-South public alley, 15 feet wide, the first alley West of Woodward Avenue, 120 feet wide, lying Westerly of and abutting the West line of Lots 1 through 4, both inclusive, and lying Easterly of and abutting the East line Lot 5 all in the "Stimson's Subdivision of Park Lots 55, 56, 57, and 58", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 246, Plats, Wayne County Records;

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

First, Said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public alley 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 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 alley 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 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 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 if it becomes necessary to remove the paved alley return at the entrances (into West Forest Avenue), 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

Resolved, all that part of the East-West public alley, 20 feet wide, with a portion been deeded to City of Detroit on May 14th, 1895 lying Southerly of and abutting the South line of Lots 5 through 14, both inclusive, in the "Stimson's Subdivision of Park Lots 55, 56, 57, and 58", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 246, Plats, Wayne County Records; and all that part of Park Lot 59 described as: beginning at the Southeast corner of Lot 15 "Stimsons Subdivision of Park Lots 55, 56, 57, and 58" as recorded in Liber 1, Page 246 of Plats, Wayne County Records, Thence N60°E, 330 feet; Thence S30°E, 10 feet; Thence S60°W 330 feet; Thence N30°W 10 feet to the point of beginning, except the West 15 feet thereof.

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 the petitioner maintain fire-fighter access to all buildings; and further

Provided, that all satisfactory arrangements have been made with the other City Departments and public utilities; and further

Provided, that the Detroit Water and Sewerage Department be and is hereby authorized to review the drawings for the lateral sewers and to issue a permit to the Petitioner for the construction of lateral sewers to serve the proposed Development; and be it further

Provided, that the plans for the lateral sewers shall be prepared by registered Engineer; and be it further

Provided, that the entire work is to be

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performed in accordance with plans and specifications approved by DWSD, constructed subject to the inspection and approval of DWSD; and be it further

Provided, that the entire cost of the lateral sewer construction, including inspection, survey, and engineering shall be borne by the petitioner; and be it further

Provided, that the Petitioner shall deposit with the DWSD, in advance of engineering, inspection and survey such amounts as that department deems necessary to cover the cost of these services; and be it further

Provided, that the Petitioner shall grant to the city a satisfactory easement for the lateral sewers before the start of construction; and be it further

Provided, that the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; and be it further

Provided, that the Petitioner shall provide the DWSD with as-built drawings of the lateral sewers; and be it further

Provided, that the Petitioner shall provide a one year warranty for the construction of the lateral sewers; and be it further

Provided, that upon satisfactory completion of the sewer construction, the sewers shall be City property and become part of the City system; 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 damage 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 action; and be it further

Resolved, That your Honorable Body authorize the acceptance of the following described easement, over property owned by the petitioner, subject to the approval of the Traffic Engineering Division-DPW and any other public or privately owned utility company, if necessary;

Land in the City of Detroit, Wayne County, Michigan, being a variable width easement for public pedestrian and vehicular ingress and egress purposes described as:

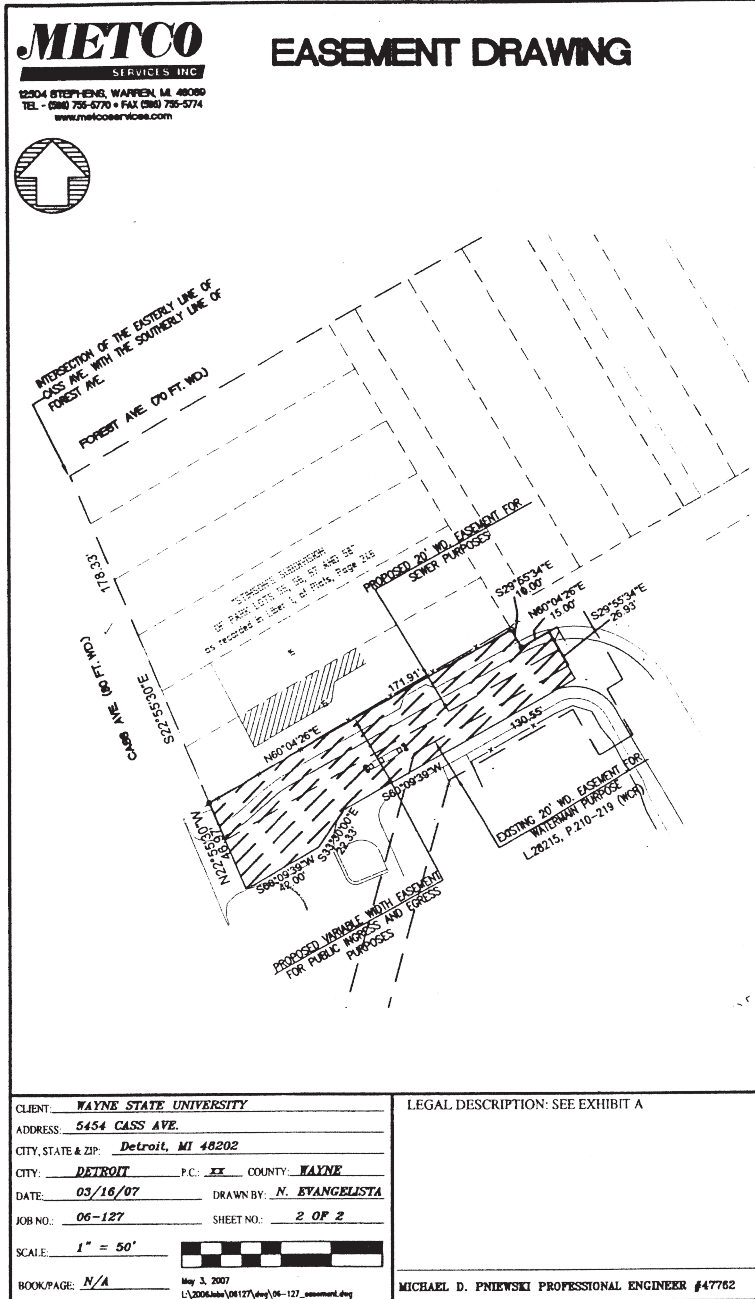
Part of Park Lot 59 of the Plan of Governor and Judges, City of Detroit, Wayne County, Michigan and more particularly described as followed:

Commencing at the Southeasterly intersection of the Easterly right-of-way line of Cass Avenue, 80 feet wide, and the Southerly right-of-way of West Forest Avenue, 70 feet wide, said point also being the Northeasterly corner of "Stimson's Subdivision of Park Lots 55, 56, 57, and 58" as recorded in Liber 1, Page 246, Plats, Wayne County Records; Thence continuing along the Easterly right-of-way line of said Cass Avenue also being the Westerly line of Said Stimson's Subdivision, S22°55'30"E, 178.33 feet to the Southwesterly corner of said Stimson's Subdivision and a point on the Northerly line of said Park Lot 59 and the Point of Beginning: Thence continuing along the Southerly line of said Stimson's Subdivision and Northerly line of Park Lot 59, N60°04'26"E, 171.91 feet to the Southeasterly corner of Lot 15 of said Stimson's Subdivision and a point on the westerly line of a Northerly-Southerly alleyway; Thence continuing along the Westerly line of said Northerly-Southerly alleyway, S29°55'34"E, 10.00 feet to the intersection of the Easterly line of a Northerly-Southerly alleyway and the Southerly line of the Easterly-Westerly alleyway; Thence continuing along the Southerly line of the Easterly-Westerly alleyway, N60°04'26"E, 15.00 feet to a point; Thence S29°55'34"E, 26.93 feet; Thence S60°130.55 feet; Thence S33°30'00"W, 22.33 feet; Thence S60°09'39"W, 42.00 feet to a point on the Easterly line of Said Cass Avenue; Thence continuing along the Easterly line of said Cass Avenue, N22°55'30"W, 46.97

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Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.
 Nays — None.