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**Department of Public Works
City Engineering Division**

October 1, 2007

Honorable City Council:

Re: Petition No. 1175 — METCO Engineers, Architects, and Surveyor — Bacall Development Company, for outright vacation of portion of (Old) Mack Avenue at Conner and Anderdon; southerly 5-ft of east-west alley; and the easterly right-of-way of Conner, north of Mack.

Petition No. 1175 of METCO Engineers, Architects, and Surveyor on behalf of "Bacall Development Company" 30407 W. Thirteen Mile Rd., Farmington Hills, Michigan 48334 respectfully request that your Honorable City Council authorize the following requests to 1) Outright vacate a portion of Old Mack Avenue (previously vacated and converted to easement by Detroit City Council) between Conner and Anderdon Avenue(s); 2) Vacate the southerly 5-ft. of the east-west alley easement between Mack and Anderdon Avenue(s); 3) Vacate a portion of the easterly right-of-way of Conner Avenue north of Mack Avenue, in order to correct the alignment of Conner Ave. and the privately owned parcel of land abutting said right-of-way.

Bacall Development Company, has recently redeveloped this vacant unimproved area into a plaza. These final adjustments to the easements, previously approved by City Council, are necessary to complete the project.

The request was approved by the Planning and Development Department, the Buildings and Safety Engineering Department, the Solid West 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 Detroit Water and Sewerage Department (DWSD) reported no objection to the out-right vacations provided, that the petitioner owns all adjacent properties and provided that an easement is reserved for the DWSD facilities that are to remain.

The Public Lighting Department (PLD) reported no objection to the out-right vacations provided, that the petitioner also reserves an easement for PLD facilities.

AT&T reports no objection to the proposed out-right vacations provided that either an easement is reserved in the area of its facilities or that the petitioner vacates or relocates their facilities at the petitioner's expense.

All other city departments and privately owned utility companies have reported no involvement to the requested right-of-way changes or that satisfactory arrangements have been made. Provisions pro-

tecting utility installations (if necessary) are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

JESSY JACOB

Interim City Engineer

City Engineering Division — DPW

By Council Member Tinsley-Talabi:

Resolved, Land in the City of Detroit, Wayne County, Michigan, being (Old) Mack Avenue, (variable width), between Conner and Anderdon Avenues; Also, an Easterly portion of Conner Avenue, north of Mack Avenue, described as:

Beginning at the southwest corner of Lot 35 of "Jefferson-Conner Industrial Subdivision No. 1" being part of Private Claim 322, City of Detroit, Wayne County, Michigan, as recorded in Liber 111 of Plats, Pages 1, 2 & 3, Wayne County Records; also being the northeast corner of Mack Avenue and Conner Avenue; thence, N. 31°00'29" W., 316.18 feet to the southwest corner of Lot 19 of "Assessor's Plat of Hendrie's Private Plat of Conner and Mack Aves. Sub'n of part of P.C. 322", City of Detroit, Wayne County, Michigan, as recorded in Liber 65, Page 75 of Plats, Wayne County Records; thence, S. 73°54'03" E., 316.09 feet to the westerly line of Anderdon Avenue, 60 feet wide; thence, S. 28°05'25" E., 162.98 feet to the northeasterly corner of said Lot 35 of Jefferson-Conner Industrial Subdivision No. 1" being part of Private Claim 322, City of Detroit, Wayne County, Michigan, as recorded in Liber 111 of Plats, Pages 1, 2 & 3, Wayne County Records; thence N. 74°40'41" W., 266.60 feet along the north line of said Lot 35; thence, S. 64°04'39" W., 12.44 feet; thence, S. 25°53'37" E., 116.24 feet to the Point of Beginning;

Also, the southerly 5.00 feet of the east-west easement, 18.00 feet wide, previously vacated and converted to easement, between Anderdon Avenue and (Old) Mack Avenue (now easement) lying northerly of and abutting the north line of Lot 28 of "Assessor's Plat of Hendrie's Private Plat of Conner and Mack Aves. Sub'n of part of P.C. 322", City of Detroit, Wayne County, Michigan, as recorded in Liber 65, Page 75 of Plats, Wayne County Records; said southerly 5.00 feet extending from Anderdon Avenue, westerly to its intersection with the north line of previously vacated (Old) Mack Avenue;

Be and the same is hereby vacated as private easements for public utilities to become part and parcel of the abutting property, except for where exclusive easements shall be reserved for the Detroit Water and Sewerage Department (DWSD), the Public Lighting Department (PLD) and AT&T, if necessary. Which easements shall be subject to the following covenants and agreements, uses,

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reservations, and regulations, which shall be observed by the owners of the lots abutting by their heirs, executors, administrators, and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the DWSD, PLD and AT&T an easement or right-of-way over said vacated public street and alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, telephone, electric light conduits or poles or things usually placed or installed in a easement in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated street and alley herein above described shall be forever accessible to the maintenance and inspection forces of the DWSD, PLD and AT& T, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, telephone or light pole or any of their utility facilities placed or installed in the utility easements or rights-of-way. The DWSD, PLD and AT&T, 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 tasks, with the understanding that the DWSD, PLD and AT&T, 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 additional buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easement, without prior approval of the City Engineering Division — DPW,

Fourth, That if the owners of any lots abutting on said vacated streets and alleys shall request the removal and/or relocation of any existing poles or other utilities in said easement areas, 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 easement areas shall break or be dam-

aged 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 be it further

Provided, That an exclusive easement, is reserved for the DWSD, PLD and AT&T, for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants, conduit, telephone or light pole or any of their utility facilities with the right of ingress egress at any time to, and over said easements for the purpose above set forth, and further

Provided, That free and easy access to the sewers, water mains, fire hydrants conduit, telephone or light pole or any of their utility facilities within the easements is reserved for the DWSD, PLD and AT&T 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 their facilities, and further

Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no additional or new buildings or structures of any nature whatsoever, including fences, porches, patios, balconies, etc., shall be built upon or over said easements, without prior written approval and agreement with the DWSD, PLD and AT&T, and further

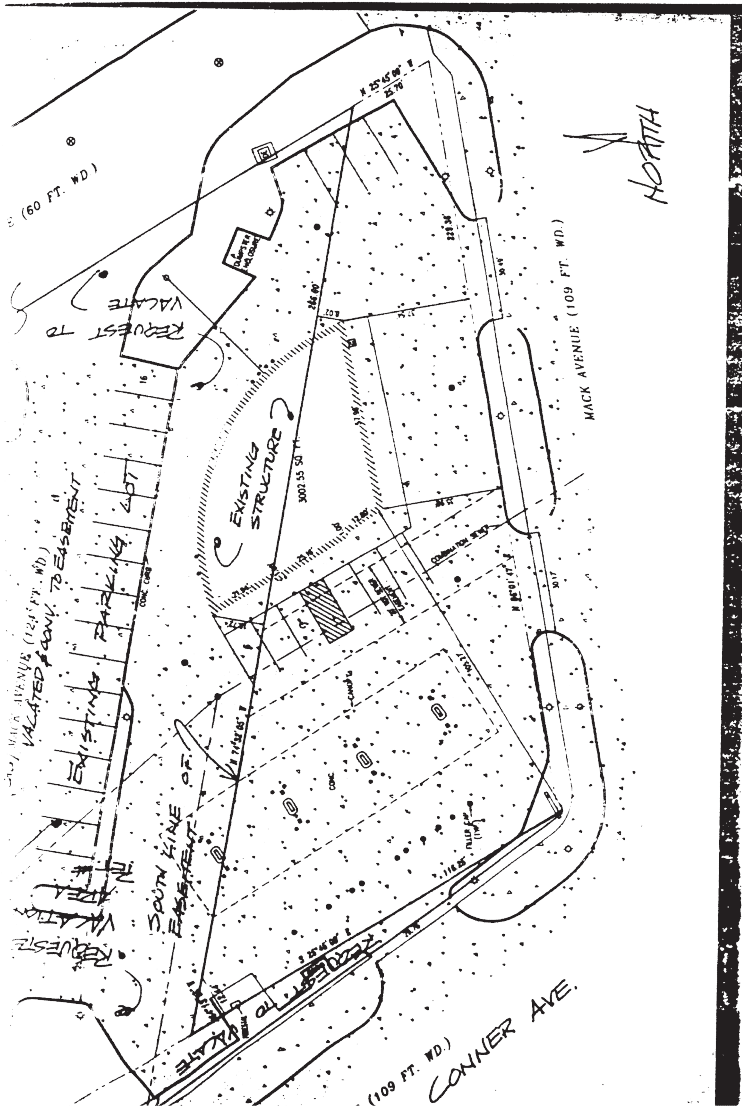
Provided, That if at any time in the future, the owners of any lots abutting on said vacated street or alley shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, conduit, telephone or light pole or any of their utility facilities 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 incident to the repair of such broken or damaged sewers and water mains, conduit, telephone or light pole or any of their utility facilities and shall also be liable for claims for damages resulting from his/her actions, and further

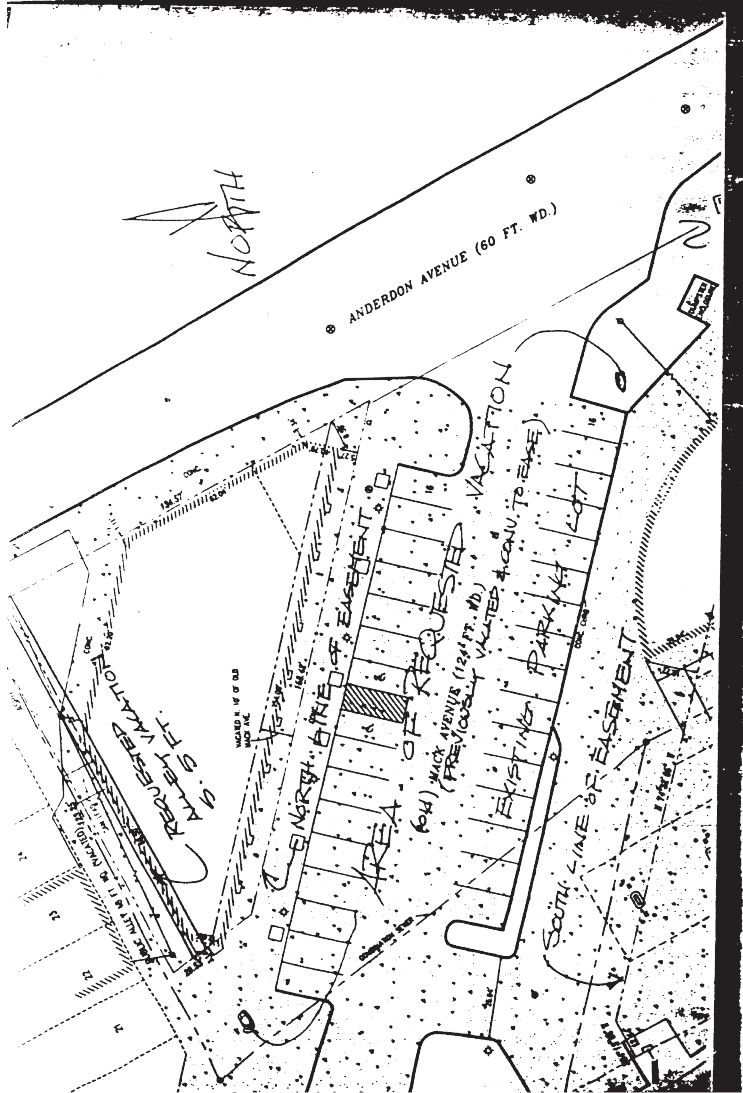
Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

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

Department of Transportation

September 24, 2007

Honorable City Council:
 Re: Acceptance of Michigan Department of Transportation (MDOT) Amendatory Contract 2001-0324/A3.

Your Honorable Body is respectfully requested to accept the above-referenced amendatory contract for the Detroit Department of Transportation (DDOT).

Approval of this amendment will extend the time to complete the Alternative Fuels Facility construction project. This is a time-extension contract only (extended to June 12, 2009), and no local share is required from the City of Detroit's general fund.

Your Honorable Body's approval of this amendatory grant contract is greatly appreciated.

Respectfully submitted,
 NORMAN L. WHITE
 Director

Approved:
 PAMELA SCALES
 Budget Director
 ROGER SHORT
 Finance Director