

October 21

2839

2008

By Council Member Collins:

Resolved, That the Detroit Workforce Development Department is hereby authorized to increase Appropriation No. 12256 — TRADE FY08 Program by \$367,444.00 from \$1,846,038.00 to \$2,213,842.00; Now be it further,

Resolved, That the Finance Director is hereby authorized to increase the necessary accounts, honor vouchers and payrolls when presented in accordance with the foregoing communication and regulations of the Michigan Department of Labor and Economic Growth.

Adopted as follows:

Yeas — Council Members Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President Conyers — 7.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 1), per motions before adjournment.

**Department of Public Works
City Engineering Division**

August 7, 2008

Honorable City Council:

Re: Petition No. 2424 — Northwest Detroit Neighborhood Development (NDND) requests the alley vacation on the north side of Fenkell between Hazelton and West Parkway.

Petition No. 2424 of "Northwest Detroit Neighborhood Development (NDND)" request for conversion of the East-West public alley, 18 feet wide, in the block bounded by Keeler Avenue, 50 feet wide, Fenkell Avenue, 66 feet wide, Hazelton Avenue, 50 feet wide and West Parkway Drive, 70 feet wide into a private easement for utilities.

The request was approved by 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.

All City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into private easement for public utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
JESSY JACOB
Interim City Engineer
City Engineering Division — DPW

By Council Member Collins:

Resolved, All that part of the East-West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lots 1 through 13, both inclusive, and lying Southerly of and abutting the South line of Lots 235, 234, and the public alley 16 feet wide, vacated on April 3, 1956 — JCC Pgs. 616-617 all in the "B. E. Taylor's Brightmoor-Wolfram Subdivision" lying

South of Grand River Avenue being part of the West 1/2 of Section 16, T. 1 S., R. 10 E., Redford Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 45, Page 62, 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, 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 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,

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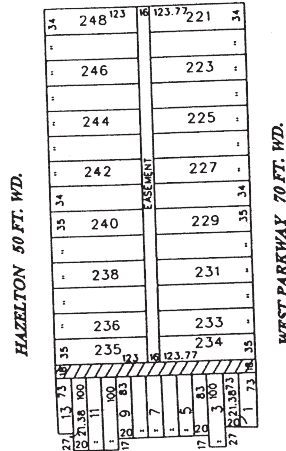
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 entrance (into Foster 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 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.

PETITION NO. 2424
NORTHWEST DETROIT NEIGHBOR DEVE. (NDND)
16631 LASHESER
DETROIT, MI 48219
c/o JOHN O'BRIEN
PHONE NO. 313-535-9164



KEELER 50 FT. WD.



FENKELL 66 FT. WD.

-REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

B				CITY OF DETROIT			
A				CITY ENGINEERING DEPARTMENT			
DESCRIPTION				SURVEY BUREAU			
DRAWN BY <i>abb</i>				JOB NO. <i>01-01</i>			
DATE <i>5/8/08</i>				DRWG. NO. <i>2424.dgn</i>			
REQUESTED CONVERSION TO EASEMENT THE EAST/ WEST PUBLIC IN THE AREA OF FENKELL AVE., WEST PARKWAY AND KEELER.							

Adopted as follows:
 Yeas — Council Members Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President Conyers — 7.
 Nays — None.

Petition Denied

Honorable City Council:
 To your Committee of the Whole was referred the following petition. After con-

sultation with the departments concerned and careful consideration of the request, your Committee recommends that this petition be denied.

Petition of Linda Brandon (#1962) for conversion of alley in area of Buena Vista, Glendale and Broadstreet.

Respectfully submitted,
BARBARA-ROSE COLLINS
 Chairperson

Accepted and adopted.