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resolution with the Wayne County Register of Deeds.

Adopted as follows:

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

Nays — None.

*WAIVER OF RECONSIDERATION (No.142), per motions before adjournment.

**Department of Public Works
City Engineering Division**

October 27, 2009

Honorable City Council:

Re: Petition No. 3126 — "McDonald's USA LLC" request to vacate alley and relocate the utility easement directly behind 16950 Harper Avenue between Harvard and Grayton.

Petition No. 3126 of "McDonald's USA LLC" whose address is 1021 Karl Gteimel Drive, Suite 200, Brighton, Michigan 48116 request to outright vacate the East-West public alley 20 feet wide in the area of Harper Avenue, 86 feet wide, and between Grayton Avenue, 55 feet wide, and Harvard Avenue, 55 feet wide (with a portion of the alley converted into an easement on June 13, 1979 — J.C.C. Pgs. 1707-08). The reason for the vacation is to rebuild the restaurant to be more modern and inviting to the neighborhood.

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.

Detroit Water and Sewerage Department (DWSD) reports no objections to the outright vacation provided that the petitioners relocate the sewer at no cost to DWSD or the petitioner/property owner provide an easement of full width of the alley.

The Public Lighting Department (PLD) reports having overhead street lighting circuit running in the alley, however the petitioner has agreed to provide PLD with a utility easement for PLD's Facilities.

AT&T Telecommunications reports that their facilities can be relocated at the requestors/petitioner expense.

DTE Energy — Electric Division reports an estimated cost of \$356,000.00 for removing and/or rerouting of such services.

All other city departments and private utility companies have reported no objections to the changes of the public rights-of-way. Provisions protecting utility installations are part of this resolution (if necessary).

I am recommending adoption of the attached resolution.

Respectfully submitted,
JESSY JACOB P.E.

City Engineer

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

Resolved, All that part of the East — Public alley, 20 feet wide, South of Harper Avenue, 86 feet wide, and between Grayton Avenue, 55 feet wide, and Harvard Avenue, 55 feet wide (with a portion of the alley converted into an easement on June 13, 1979 — J.C.C. Pgs. 1707-08) lying Northerly of and abutting the North line of Lot 597 of the "Eastern Heights Land Company's Subdivision No. 2" of the northerly parts of Lots 4, 5, and 6 of the Subdivision of the front and rear concessions of the Private Claim 585, City of Detroit, Wayne County, Michigan as recorded in Liber 52 Page 42, Plats, Wayne County Records; and lying Northerly of and abutting the North line of Lot 386 and lying Southerly of and abutting the South line of Lots 371 through 385, both inclusive, all in the "Eastern Heights Land Company's Subdivision No. 1" of the northerly parts of Lots 4, 5, and 6 of the Subdivision of the front and rear concessions of the Private Claim 585, City of Detroit, Wayne County, Michigan as recorded in Liber 50 Page 4, 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 petitioner make satisfactory arrangements with any and all utility companies for cost of removing and/or relocating such services; and further

Provided, That at anytime the petitioner and/or property owner decides to not relocate underground and/or overhead utilities a private easement will be maintained for each existing utility of the full width of the public alley; and further

Provided, That if an easement is retained for PLD no structure or barricade can be built over PLD installations or on existing utility easement area. As per PLD requirements, any structure proposed to built shall maintain a 10 feet horizontal clearance from any overhead PLD lines and installations; and further

Provided, That the contractor should take necessary precautions not to damage PLD utilities, if they plan to use heavy earth moving equipments, the contractor will be liable for any damages to any PLD underground facilities. PLD needs unrestricted easement rights with 24 hrs. heavy vehicles access to the requested area for vacation; and further

Provided, That if an easement is retained for DWSD the following provisions must be as followed; and further

Provided, That an easement, of 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,

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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 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 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 deflection; and further

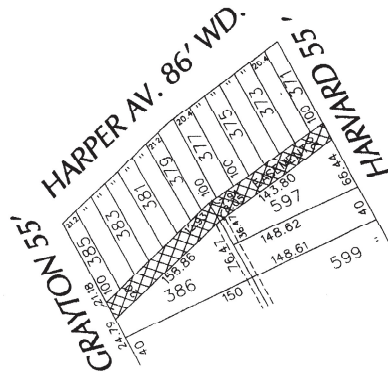
Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc.,

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 further

Provided, That if 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 action; and further

Provided, That the City Clerk shall within 30 days record a certified copy of this

PETITION NO. 3126
 McDONALD'S USA L.L.C.
 BRIGHTON, MICHIGAN 48116
 C/O OTIS D. CARTER
 PHONE NO. 734 335 9065
 FAX NO. 734 335 9001



-REQUESTED OUTRIGHT VACATION
 (FOR OFFICE USE ONLY)

CARTO 106B

B					
A					
DESCRIPTION	DESK	CHEK	APP	DATE	
DRAWN BY		CHECKED		DATE	
KM				4-24-09	
DATE		APPROVED			

REQUEST FOR OUTRIGHT VACATION OF 20'
 EAST WEST ALLEY
 AT 16950 HARPER AVE.
 BETWEEN HARVARD AND GRAYTON

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. x3126dgn