

Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Spivey, Tate, and President Pugh — 7.

Nays — Council Member Watson — 1.

\*WAIVER OF RECONSIDERATION (No. 181) per motions before adjournment.

**Department of Public Works  
City Engineering Division**

October 29, 2010

Honorable City Council:

Re: Petition No. 3802 — Wayne State University request for the vacation of certain public alleys rights-of-way located in the block bounded by W. Warren, Woodward, W. Hancock and Cass Avenues.

Petition No. 3802 of "Wayne State University" request the conversion of the North-South and East-West public alleys, 20 and 15 feet wide, in the block bounded by West Warren Avenue, variable width, West Hancock Avenue, 70 feet wide, Cass Avenue, 80 feet wide and Woodward Avenue, 120 feet wide into easements.

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 the public rights-of-way into a private easement for the public utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

MANILIL PATEL

Interim City Engineer

City Engineering Division — DPW

By Council Member Brown:

Resolved, All that part of 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 72 and 81, and lying Easterly of and abutting the East line of Lots 73 through 80, both inclusive, except that portion taking for the widen of West Warren Avenue, variable width, all in the "Stimson's Subdivision of Park Lot 55, 56, 57 and 58" as recorded in Liber 1, Page 246, Plats, Wayne County Records;

Also, all that part of the East-West public alley, 20 feet wide, lying Northerly of and abutting the North line of Lots 65 through 72, both inclusive, and lying southerly of and abutting the South line of Lots 81 through 88, both inclusive, all in the "Stimson's Subdivision of Park Lot 55, 56, 57 and 58" as recorded in Liber 1, Page 246, 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 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 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 any time in the future, the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of the aforementioned utilities in said easements, 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 easements 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 be it further

First, said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public alleys 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 easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated alleys 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 easements or rights-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 easements 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 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,

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 Warren and West Hancock Avenues), 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

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

WAYNE STATE UNIVERSITY  
 5700 CASS AVENUE, SUITE 4900  
 DETROIT, MI. 48202  
 C/O JOHN L. DAVIS  
 PHONE NO. 313 577 5580  
 FAX NO. 313 577 2338



(FOR OFFICE USE ONLY)				CARTO 30 E	
B				REQUEST FOR VACATION OF 20 FT. WD. E/W ALLEY AND EASTERLY 15 FT. WD. N/S ALLEY IN AREA BOUND BY WARREN, WOODWARD, HANCOCK, AND CASS AVENUES	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU JOB NO. 01-01 DRWG. NO. X3802.dgn
A					
DESCRIPTION		DRWN	CHKD	APPR	DATE
DRAWN BY		CHECKED		APPROVED	
DATE					

Adopted as follows:  
 Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones Spivey, Tate, and President Pugh — 7.  
 Nays — Council Member Watson — 1.  
 \*WAIVER OF RECONSIDERATION (No. 182), per motions before adjournment.

**Department of Public Works  
 City Engineering Division**

November 5, 2010  
 Honorable City Council:  
 Re: Petition No. 474 — Detroit Edison Public School Academy, request to vacate alleys and streets between Hale and Wilkins; and between St. Aubin and Dequindre.  
 Petition No. 474 of "Detroit Edison Public School Academy", request the outright vacation and conversion to ease-

ment of certain public rights-of-way in the block bounded by Hale Street, 50 feet wide, and Erskine Street, 40 feet wide, Dequindre Avenue, 70 feet wide, and St. Aubin Avenue, 50 feet wide. This request is necessary for the construction of the New Detroit Edison High School.

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 Detroit Water and Sewerage Department (DWSD) reports sewers and water mains located in the streets and alleys requested to be outright vacated and converted into easement. DWSD has