

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. 180), per motions before adjournment.

**Department of Public Works
City Engineering Division**

October 29, 2010

Honorable City Council:

Re: Petition Number No. 472 — Walbridge Joint Venture for Detroit Public Schools, requesting the vacation of two existing easements located on the site of the Martin Luther King Jr. High School.

Petition No. 472 of "Walbridge Joint Venture for Detroit Public Schools", requesting the outright vacation of Elmwood Avenue, 60 feet wide, and Congress Street, 60 feet wide, all in the block bounded by Fort Street, 50 feet wide, (vacated on October 13, 1969), Larned Street, 120 feet wide, McDougall Avenue, 120 feet wide, and Mt. Elliott Avenue, 120 feet wide. This outright vacation is necessary for the construction of the New Martin Luther King Jr. High School.

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 reports no objection to the requested outright vacation of the easements provided the sewers and water mains are relocated by the petitioner at no cost to DWSD/City, and the proposed new sewers and water mains within the site do not create excessive and additional surcharges or pressures in the surrounding area, also that the attached requirements and provisions are strictly followed.

The Public Lighting Department (PLD) reports of an underground fed high voltage primary and old communication duct run where the petitioner request for an outright vacation. Removal and relocation of PLD facilities will be done at no cost to PLD/City.

AT&T Telecommunication reports underground facilities in vacated Fort Street running east/west. AT&T has no records of facilities south of this point between McDougall and Mt. Elliott.

DTE Energy — MichCon Gas Company reports no objections to the property change provided that 60 feet wide easement of the full width of the public right-of-ways of the streets in Elmwood Avenue are reserved. If this easement cannot be provided, the petitioner must contact MichCon Public Improvement Department at 313-389-7370 for the drawings and estimate cost of removing and/or rerouting such mains and services. The removing and rerouting of such mains and services shall be done at no cost to the City.

All other city departments and private util-

ity companies have reported no objections to the changes of the public rights-of-way. Provisions protecting utility installations are part of the resolution (if necessary).

I am recommending adoption of the attached resolution.

Respectfully submitted,

MANILAL PATEL

Interim City Engineer

City Engineering Division — DPW

By Council Member Brown:

Land in the City of Detroit, Wayne County, Michigan being all that part of the full width of Congress Street public easement, 60 feet wide, bounded by McDougall Avenue, 120 feet wide, and Leib Street public easement, 40 feet wide and lying southerly of and abutting the southerly line of Lots 36 through 57, both inclusive and the 20 foot wide North-South public alley adjoining said Lots 36 and 37 "Miller and Hallock's Subdivision of Lot 9 and part of Lot 10, G. Hunt Farm" as recorded in Liber 5, page 22 of Plats, Wayne County Records; also being part of a platted public easement, 30 and 60 feet wide, (formerly Congress Street) lying within Lot 23 and bounded by the easterly line of McDougall Avenue, and the westerly line of a public easement, 40 feet wide, (formerly Leib Street) "Elmwood Urban Renewal Plat No. 2 of part of Private Claims 90, 14, 91, 733, 609, 9 and 454, 182, 15 and 16" as recorded in Liber 92, Pages 77-82 of Plats, Wayne County Records.

Also, land in the City of Detroit, Wayne County, Michigan being all that part of the full width of Elmwood Avenue easement, 60 feet wide, bounded by the northerly line of Larned Street, 120 feet wide, and the southerly line of Fort Street easement, 50 feet wide, lying westerly of and abutting the westerly line of Lots 29 through 36, both inclusive "Miller and Hallock's Subdivision of Lot 9 and part of Lot 10, G. Hunt Farm" as recorded in Liber 5, page 22 of Plats, Wayne County Records; also being all that part of a platted public easement, 60 feet wide, (formerly Elmwood Avenue) lying within Lot 23 and bounded by the northerly line of Larned Street, 120 feet wide and the southerly line of a public easement, 50 feet wide, (formerly Fort Street) "Elmwood Urban Renewal Plat No. 2 of part of Private Claims 90, 14, 91, 733, 609, 9 and 454, 182, 15 and 16" as recorded in Liber 92, Pages 77-82 of Plats, Wayne County Records.

Be and the same are 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 (Petition No. 472) shall design and construct proposed sewers and water mains make the connections to the existing public sewers as required by the Detroit Water and Sewerage Department (DWSD); and further

Provided, That the plans for the sewers and water mains shall be prepared by a registered engineer; and further

Provided, That DWSD be and is hereby authorized to review the drawings for the proposed sewers and water mains, and to issue permits for the construction of the sewers and water mains; and further

Provided, That the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

Provided, That the entire cost of the proposed sewer and water mains construction, including inspection, survey and engineering shall be borne by the petitioner; and further

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

Provided, That the petitioner shall grant to the City a satisfactory easement for the sewers and water mains; and further

Provided, That the Board of Water Commissioners shall accept and execute

the easement grant on behalf of the City; and further

Provided, That the petitioner shall provide DWSD with as-builts drawings on the proposed sewers and water mains; and further

Provided, That the petitioner shall provide a one (1) year warranty for the proposed sewer and water mains; and further

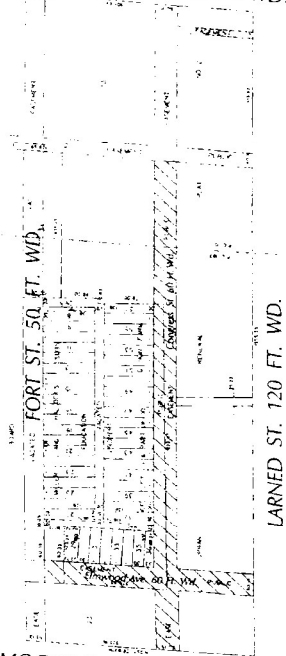
Provided, That upon satisfactory completion, the sewers and water mains shall become City property and become part of the City system and the existing sewers that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City; and be it further

Provided, That satisfactory arrangements are made with the Public Lighting Department, DTE Energy, and AT&T Telecommunication for cost of removing and rerouting such services; 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.

PETITION NO. 472
WALBRIDGE JOINT VENTURES FOR DETROIT PUBLIC SCHOOLS
1425 E. WARREN AVE. ENTRANCE B
DETROIT, MICHIGAN 48211
C/O PAUL A. LEWIS
PHONE NO. 313 578 7070

MT. ELLIOTT AVE. 120 FT. WD.



OUTRIGHT VACATION (HOLD OVERSUSPENDING)

REQUEST TO OUTRIGHT VACATE EXISTING EASEMENTS
(Formerly Elmoed Ave. and Congress St.)
IN AREA BOUND BY
MT. ELLIOTT, LARNED, McDOUGALL AND FORT

CARTO 381

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU

DATE: 7/6/10
DRAWN BY: KSM
CHECKED BY: [Signature]
DATE: [Signature]

SUB NO: 07-01
DRWG NO: X472.dgn

F