

Adopted as follows:  
 Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, and President Pugh — 7.  
 Nays — Council Member Watson — 1.

**Department of Public Works  
 City Engineering Division  
 November 15, 2011**

Honorable City Council:  
 Re: Petition No. 2005 — TEF-Three, LLC for closure with easement of commercial and residential alley rights-of-way bounded by Calvert to north, Glynn Ct. to south, Hamilton to west and Third to east.  
 Petition No. 2005 of "TEF-Three, LLC", request for the conversion of a portion of East-West public alley, 19.00 feet wide, and the North-South public alley, 19.00 feet wide, (Deeded on January 9, 1912)

all in the block bounded by Calvert Avenue, 66 feet wide, Glynn Court, 80 feet wide, Hamilton, 100 feet wide, and Third Avenue, 80 feet wide, into easements. This request will facilitate an orderly pick-up and drop off route on the school's campus.

The request was approved by the Solid Waste Division — DPW, and Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The Petitioner has on file original U.S. Postal Certified Mail receipt with the City Engineering Division — DPW of letters sent to property owners abutting said alleys, requesting their consent to the closure of said alleys. The letters and an attempt was made at every home abutting the said alleys, however, only 8 out of 28

property owners consented to the closure of the alley. The other 20 property owners did not sign off or no response was given.

A site visit was conducted to determine if said alley was still in use. The alley was overgrown with weeds to the point a car could not travel down the alley. Also it was noted that majority of the homes abutting said alley was abandoned and open to trespass. It was also noted that the homes abutting said alley did not have access from the front of their property to the rear or garage.

City Engineering Division — Survey Bureau — DPW understands that the petitioner has acquired sign offs from all the property owners that still live in the homes abutting said alley, however, if at any time in the future when the abandoned homes are sold the buyers will not have access to the rear of properties or garage. Because of this issue it is our recommendation that the alley be dead-end at the petitioner property. The attached resolution will reflect the dead-end alley to protect the future and current property owner access to the rear of properties and/or garage of said alley.

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

The resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
RICHARD DOHERTY  
City Engineer

City Engineering Division—DPW  
By Council Member Brown:

Resolved, All that part of the North-South public alley, 19.00 feet wide, (Deeded to the City of Detroit on January 9, 1912) being the Westerly 19.00 feet of Lot 76 all in the "Voight Park Subdivision" of E. W. Voight's Subdivision of Voight Park Farm part of 1/4 Section 36, 10,000 Acre Tract, Detroit, Wayne County, Michigan as recorded in Liber 22, Page 94, Plats, Wayne County Records;

Also, all that part of the East-West public alley, 19.00 feet wide, lying Southerly of and abutting the South line of Lot 75 and lying Northerly of and abutting the North line of Lot 138 and the west 19.00 feet of Lot 137 all in the "Voight Park Subdivision" of E. W. Voight's Subdivision of Voight Park Farm part of 1/4 Section 36, 10,000 Acre Tract, Detroit, Wayne County, Michigan as recorded in Liber 22, Page 94, Plats, Wayne County Records;

Be and the same is hereby vacated as public alleys and is hereby converted into private easements for public utilities of the full width of the alleys, which easements 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 alleys and by their heirs, executors, administrators and assigns, forever to wit:

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 public alleys 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 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 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 easements, 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 alleys 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 an easement, the full width of the existing rights-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

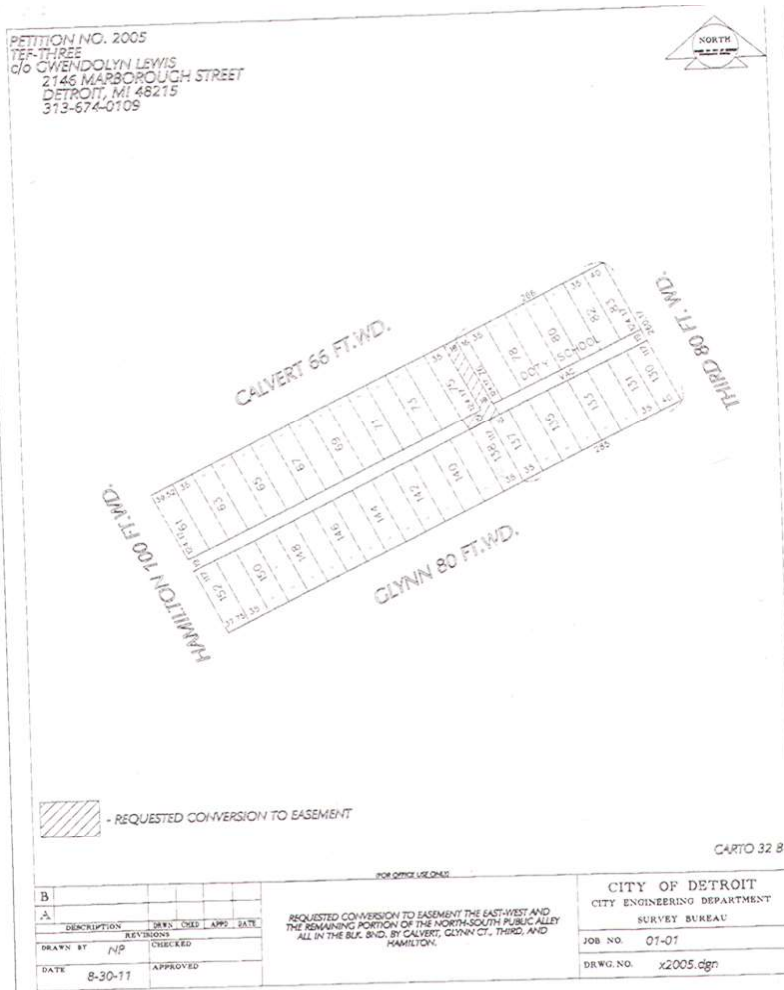
Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, porches, patios, balconies, etc., shall be built upon or over said easements, or that no grade changes or storage of materials shall be made within said easements with-

out prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, That if at any time in the future, the owners of any lots abutting on said vacated alleys 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

Provided, That if it becomes necessary to remove the paved alley return at the entrance (into Calvert 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 further

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



Adopted as follows:  
 Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, and President Pugh — 7.  
 Nays — Council Member Watson — 1.

**Permit**

Honorable City Council:  
 To your Committee of the Whole was referred Petition of Holy Redeemer Parish (#2110), to hold Feast of Our Lady of Guadalupe procession. After consultation with the Fire Department and careful consideration of the request, your Committee recommends that same be granted in accordance with the following resolution.  
 Respectfully submitted,  
 GARY BROWN  
 Chairperson  
 By Council Member Brown:  
 Resolved, That subject to the approval

of the Transportation, Public Works and Police Departments, permission be and is hereby granted to Holy Redeemer Parish (#2110), to hold Feast of Our Lady of Guadalupe procession, with police escort, Monday, December 12, 2011, 5:00 P.M. to 5:30 P.M. with partial street closures, in the area of Dix, W. Vernor and Junction.  
 Provided, That the required permits be secured should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further  
 Provided, That said activity is conducted under the rules and regulations of the concerned departments and the supervision of the Police Department, and in compliance with applicable ordinances, and further  
 Provided, That such permission be granted with the distinct understanding that petitioner assumes full responsibility