

**Department of Public Works
City Engineering Division**

March 17, 2011

Honorable City Council:

Re: Petition No. 695 — HAL Architectural Design Group, PLLC request to vacate and convert into easement streets and alleys between Hildale Avenue, E. Seven Mile, Omira and the railroad.

Petition No. 695 of "HAL Architectural Design Group, PLLC", request the conversion of the streets and alleys in the block bounded by East Seven Mile Road, 66 feet wide, Hildale Avenue, 50 feet wide, (vacated on September 16, 2008 — J.C.C. pages 2357-2362), Omira Avenue, 50 feet wide, and the Railroad right-of-way into easement for public utilities. This resolution is necessary to provide better security.

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,

MANILAL PATEL

Interim City Engineer

City Engineering Division — DPW

By Council Member Brown:

Resolved, All that part of the East-West public alley, 16 feet wide, in the block bounded by East Seven Mile Road, 66 feet wide, Brentwood Avenue, 50 feet wide, Omira Avenue, 50 feet wide and the Railroad right-of-way lying Southerly of and abutting the South line of Lots 45 through 55, both inclusive, and lying Northerly of and abutting the North line of Lots 56 through 62, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan, as recorded in Liber 34, Page 62, Plats, Wayne County Records;

Also, All that part of the East-West public alley, 16 feet wide, in the block bounded by Brentwood Avenue, 50 feet wide, Hollywood Avenue, 50 feet wide, Omira Avenue, 50 feet wide and the Railroad right-of-way lying Southerly of and abutting the South line of Lots 103 through 108, both inclusive, and lying Northerly of and abutting the North line of Lots 111 through 116, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County,

Michigan, as recorded in Liber 34, Page 62, Plats, Wayne County Records;

Also, All that part of the East-West public alley, 16 feet wide, in the block bounded by Robinwood Avenue, 50 feet wide, Goldengate Avenue, 50 feet wide, Omira Avenue, 50 feet wide and the Railroad right-of-way lying Southerly of and abutting the South line of Lots 211 through 213, both inclusive, and lying Northerly of and abutting the North line of Lots 222 through 224, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan, as recorded in Liber 34, Page 62, Plats, Wayne County Records;

Also, All that part of Brentwood Avenue, 50 feet wide, between Omira Avenue, 50 feet wide and the Railroad right-of-way lying Southerly of and abutting the South line of Lots 56 through 62, both inclusive, and lying Northerly of and abutting the North line of lots 103 through 109, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan, as recorded in Liber 34, Page 62, Plats, Wayne County Records;

Also, All that part of Hollywood Avenue, 50 feet wide, between Omira Avenue, 50 feet wide and the Railroad right-of-way lying Southerly of and abutting the South line of Lots 112 through 116, both inclusive, and lying Northerly of and abutting the North line of Lots 157 through 161, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan, as recorded in Liber 34, Page 62, Plats, Wayne County Records;

Also, All that part of Robinwood Avenue, 50 feet wide, between Omira Avenue, 50 feet wide and the Railroad right-of-way lying Southerly of and abutting the South line of Lots 164 through 170, both inclusive, and lying Northerly of and abutting the North line of Lots 211 through 217, both inclusive, all in the "Seven-Oakland Subdivision" of the Northeast 1/4 of Northwest 1/4 of Section 12, T.1S., R.11E., Greenfield Township (now City of Detroit), Wayne County, Michigan, as recorded in Liber 34, Page 62, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alleys and are hereby converted into private easements for public utilities of the full width of the streets and 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 streets

and alleys and by their heirs, executors, administrators and assigns, forever to wit:

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 easements 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 easements 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 easement, 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 at any time in the future, the owners of any lots abutting on said vacated streets and alleys shall request the removal and/or relocation of the aforementioned utilities in said easements, such owners shall pay all costs incidental 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 incidental 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 streets and 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 easement for the purpose above set forth,

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

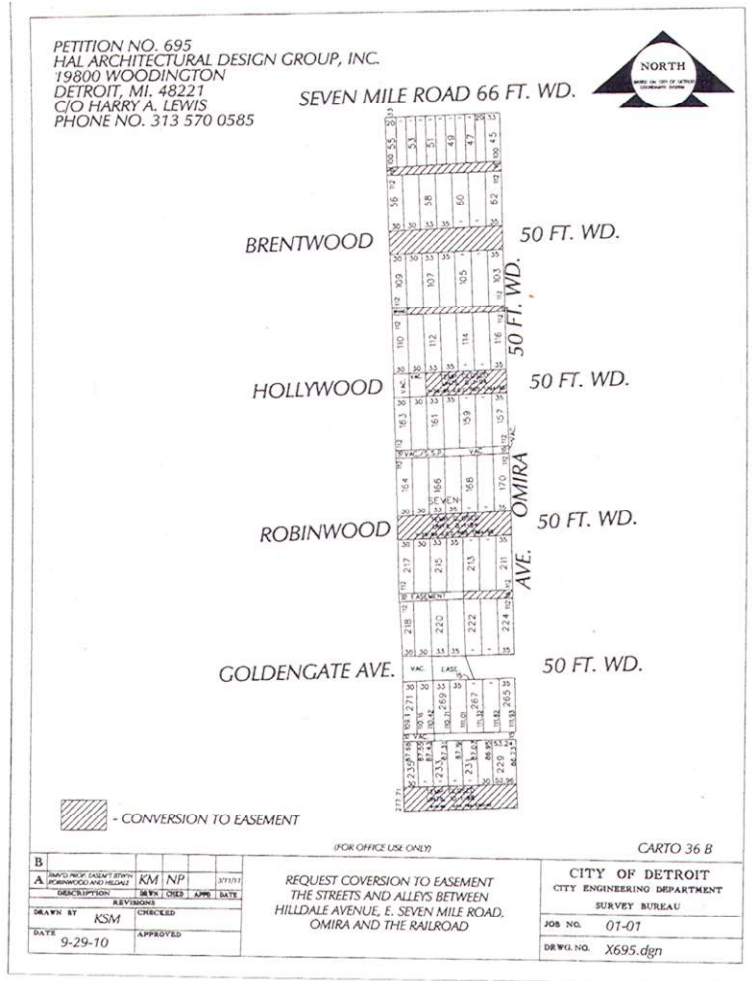
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easements, nor change of surface grade made, without prior 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 easements, 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 returns at the entrances (into Omira 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 heirs 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, Spivey, Tate, Watson, and President Pugh — 8.
Nays — None.

*WAIVER OF RECONSIDERATION (No. 59), per motions before adjournment.

REPORTS OF PUBLIC HEALTH AND SAFETY STANDING COMMITTEE

Chairperson Brown submitted the following Committee Reports and recommended their adoption:

Dangerous Structures

Honorable City Council:

In accordance with Section 12-11-28.4 of the Building Code, hearings were held for the purpose of giving the owner or owners the opportunity to show cause why certain structures should not be demolished or otherwise made safe. After careful consideration of same, your

Committee recommends that action be taken as set forth in the following resolution.

Respectfully submitted,
GARY BROWN
Chairperson

By Council Member Brown:

Resolved, That the findings and determination of the Buildings and Safety Engineering Department that certain structures on premises known as 2482 Clairmount, 2502 Clairmount, 2531 Clairmount, 5009 Concord, 5059 Courville, 5069 Courville, 14826 Cruse, 17394 Dresden, 19929 Dresden, 19940 Dresden, 1211 Edison, and 1651 Edison, as shown in proceedings of March 29, 2011, (J.C.C. pg. _____), are in a dangerous condition and should be removed, be and are hereby approved, and be it further

Resolved, That the Buildings & Safety Engineering Department be and it is hereby authorized and directed to take the