

**Department of Public Works  
City Engineering Division**

January 20, 2011

Honorable City Council:

Re: Petition No. 701 — Kelly Markoz request to close the alley located at the rear of 12632 E. Eight Mile Rd. between Waltham and Barlow.

Petition No. 701 of "Kelly Markoz", request to the conversion of the east-west public alley, 20 feet wide, south of East Eight Mile, 204 feet wide, and between Barlow Avenue, 60 feet wide, and Waltham Avenue, 86 feet wide, into a private easement for utilities. This closure will provide the property owner the right to barricade/fence the alley to prevent illegal dumping.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,

MANILAL PATEL

Interim City Engineer

City Engineering Division — DPW

By Council Member Jenkins:

Resolved, All that part of the East-West public alley, 20 feet wide, South of East Eight Mile Road, 204 feet wide, and between Barlow Avenue, 60 feet wide, and Waltham Avenue, 86 feet wide, lying Southely of and abutting the South line of Lots 57 through 68, both inclusive, and lying Northerly of and abutting the North line of Lots 56 and 69, and the public alley, 18 feet wide, vacated on 9-26-39, all in the "Cummiskey Park Subdivision" of the East 40 Acres, except the South 5 Acres of the Northwest 1/4 of Section 2, T.1S., R.12E. Gratiot Township, (now City of Detroit) Wayne County, Michigan as recorded in Liber 52, Page 36, Plats, Wayne County Register of Deeds;

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

First, Said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public alley 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 easement or right-of-way in and over said vacated alley 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 easement 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,

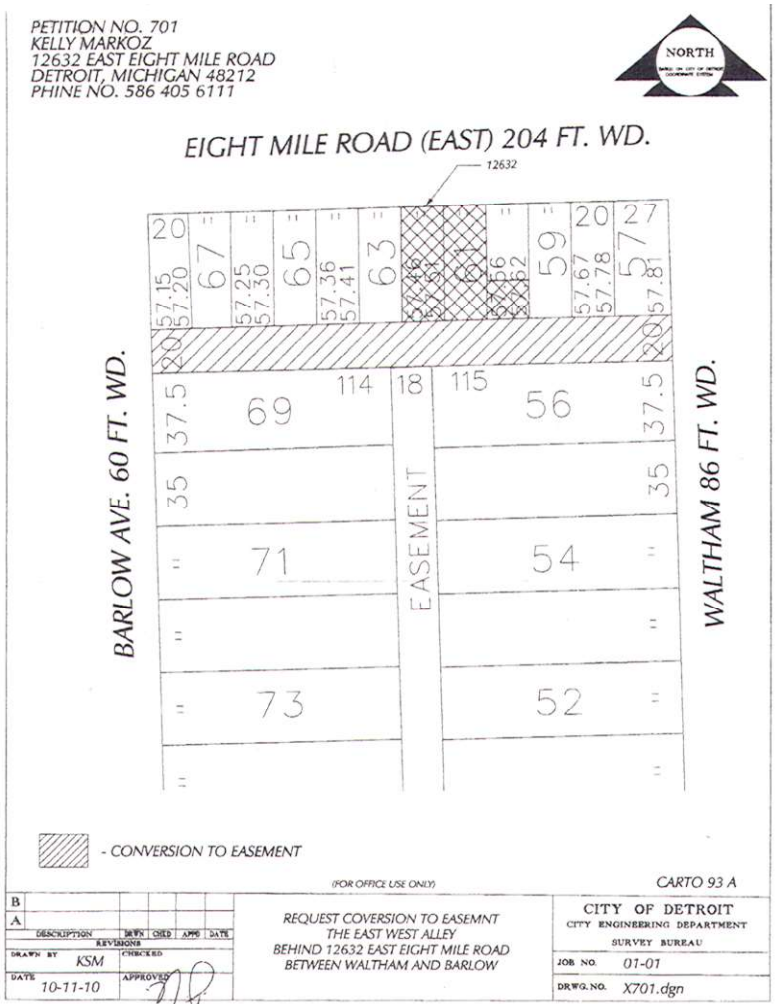
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easements, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

Fourth, That if the owners of any lots abutting on said vacated 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 Barlow Avenue and Waltham 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, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.  
 Nays — None.

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January 20, 2011

Honorable City Council:  
 Re: Petition No. 751 — Detroit Public School, request to vacate existing utility easements within previously vacated R.O.W. bounded by Cameron Avenue, Wellington Avenue, Chrysler Freeway (I-75) and Euclid Avenue.

Petition No. 751 of "Detroit Public School" request the outright vacation of

certain public rights-of-way (vacated and converted to easement on October 2, 1973 — J.C.C. Pgs. 2523-24) in the block bounded by Wellington Avenue, 60 feet wide, Euclid Avenue, 60 feet wide, Cameron Avenue, 60 feet wide and Walter P. Chrysler Freeway. This vacation is needed for the construction of a new Office of Public Safety Headquarter located at 8500 Cameron.

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.

All other city departments and private utility companies have reported no objec-