

Division — DPW for investigation (utility review) and report. This is our report.

The Old Redford Academy has on file with the City Engineering Division — DPW letters of support for the closure of Redford Avenue from all of the property owners on Redford Avenue that are impacted by this closure.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,

RICHARD DOHERTY

City Engineer

City Engineering Division—DPW

By Council Member Brown:

Resolved, That your Honorable Body authorized the acceptance of the following described easement over property owned by the Old Redford Academy Preparatory School, subject to the approval of the Traffic Engineering Division — DPW, City Engineering Division — DPW and any other public or privately owned utility company, if necessary;

Land in the City of Detroit, Wayne County, Michigan being on the Southside of Redford Avenue, 66 feet wide, between Rockdale Avenue, 43 feet wide, and West McNichols Road, 120 feet wide being a 20.00 feet by 40.00 feet portion of land; being more described as the East 18.00 feet by 40.00 feet of the unplatted land in the Southeast 1/4 Section 9 abutting the 12.00 feet wide public alley in "Allen M. Bosworth's Subdivision" on the Southeast corner of Section 9, in Redford (now City of Detroit) T.1S., R.10E., Wayne County, Michigan as recorded in Liber 22, Page 32, Plats, Wayne County Records and the north portion of the public alley, 12.00 feet by 40.00 feet, (to be vacated under this resolution) all in the "Allen M. Bosworth's Subdivision" on the Southeast corner of Section 9, in Redford (now City of Detroit) T.1S., R.10E., Wayne County, Michigan as recorded in Liber 22, Page 32, Plats, Wayne County Records;

Provided, That Old Redford Academy Preparatory School and their assigned heirs build and/or construct the three points turn around before the closure of Redford Avenue to City Engineering Division — DPW and/or Traffic Engineering's standards and specifications; and be it further

Provided, That the necessary permits shall be obtained from the City Engineering Division — DPW and the Traffic Engineering Division — DPW. The three point turn around shall be constructed and maintained under their rules and regulations; and be it further

Provided, That construction under this

petition is subject to inspection and approval by City Engineering Division — DPW forces. The cost of such inspection shall, at the discretion of City Engineering Division — DPW, be borne by the petitioner; and be it further

Resolved, All that part of Redford Avenue, 66 feet wide, between Rockdale Avenue, 43 feet wide, and West McNichols Road, 120 feet wide lying Southerly and abutting the South line of unplatted land in the Southeast 1/4 Section 9 and lying Northerly of and abutting the North line of Lots 30 through 37, both inclusive, all in the "Allen M. Bosworth's Subdivision" on the Southeast corner of Section 9, in Redford (now City of Detroit) T.1S., R.10E., Wayne County, Michigan as recorded in Liber 22, Page 32, Plats, Wayne County Records;

Also, all that part of the North-South public alley, 16.00 feet wide, between Rockdale Avenue, 43 feet wide, and West McNichols Road, 120 feet wide, lying Easterly and abutting the East line of unplatted land being 93.72 feet long in the Southeast 1/4 Section 9 and lying Westerly of and abutting the West line of Lot 38, being 87.37 feet long all in the "Allen M. Bosworth's Subdivision" on the Southeast corner of Section 9, in Redford (now City of Detroit) T.1S., R.10E., Wayne County, Michigan as recorded in Liber 22, Page 32, Plats, Wayne County Records;

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

Provided, That no structure can be built over PLD installations. As per PLD requirement, any structure proposed to be built shall maintain a minimum of 10 feet horizontal clearance for the overhead PLD lines and installations the contractor will be liable for any damages to any PLD underground facilities; and be it further

Provided, That an easement of 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 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, Said easements or rights-of-way in and over said vacated street and alley(s) herein above described shall be forever accessible to the maintenance and inspection forces of the DWSD, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer or water main or any facility placed or installed in the DWSD easements or rights-of-way. The DWSD 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 easements with any necessary equipment to perform the above mentioned task, with the understanding that DWSD shall use due care in such crossing or use, and that any property damaged by DWSD, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition; 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 at any time in the future, the owners of any lots abutting on said vacated street and alley 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 street 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 street and 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 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.

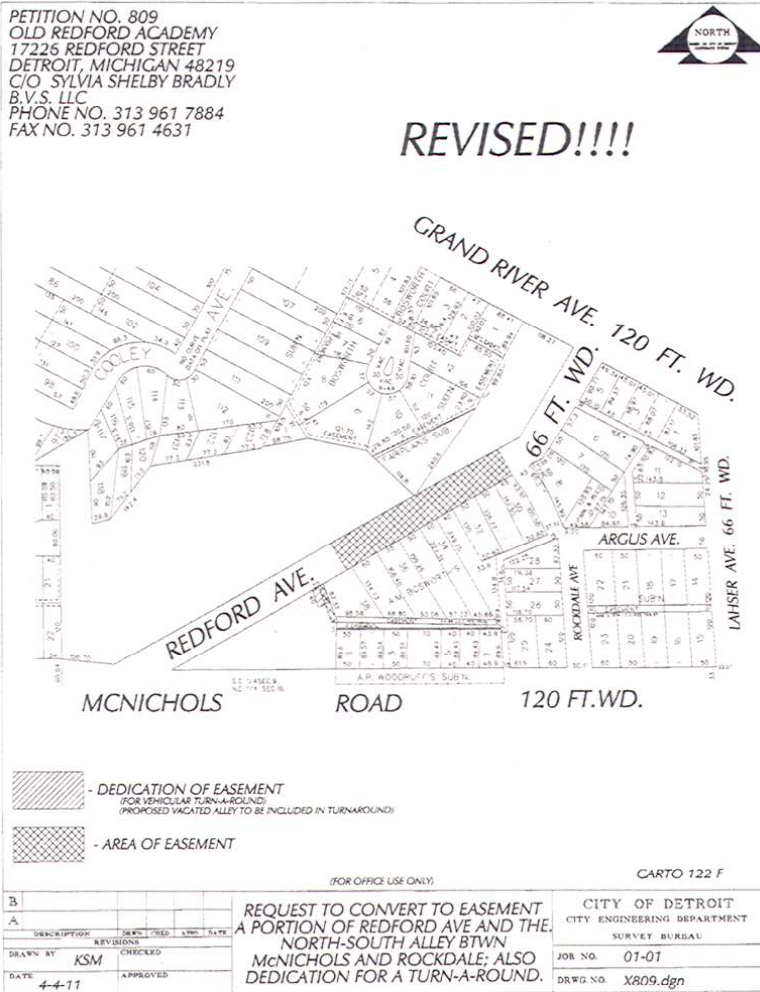
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easements, nor change of surface grade made, without prior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

Fourth, That if the owners of any lots abutting on said vacated street and alley 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 street return at the entrances (into Redford 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.

**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