

(J.C.C. _____), are in a dangerous condition and should be removed, be and hereby approved, and be it further

Resolved, That the Buildings and Safety Engineering Department be and it is hereby authorized and directed to take the necessary steps for the removal of dangerous structures at 1207 Longfellow, 11409 Mansfield, 13934 Mansfield, 8901 Mansfield, 8041 Mettetal, 8910 Mettetal, 8929 Mettetal, 8937 Mettetal, 8943 Mettetal, 8951 Mettetal, 9110 Mettetal, and 18984 Monica, and to assess the costs of same against the properties more particularly described in the above mentioned proceedings of May 31, 2011.

Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.

Nays — None.

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 9187 Abington, 4372 Alter, 14879 Appoline, 7794 Archdale, 8459 Ashton, 1715 Atkinson, 139 Bagley, 1328 Bassett, 3541-43 Beaconsfield, 3543 Beaconsfield, 4135 Beaconsfield, and 5203 Bedford, as shown in proceedings of May 31, 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 necessary steps as recommended for the removal of dangerous structures at 9187 Abington, 4372 Alter, 14879 Appoline, 7794 Archdale, 8459 Ashton, 1715 Atkinson, 1328 Bassett, 3541-43 Beaconsfield, and 3543 Beaconsfield, and to assess the costs of same against the properties more particularly described in the above mentioned proceedings of May 31, 2011, (J.C.C. pg. _____), and further

Resolved, That dangerous structures at the following locations be and the same

are hereby returned to the jurisdiction of the Buildings & Safety Engineering Department for the reasons indicated:

139 Bagley — Withdrawn;
4135 Beaconsfield — Withdrawn;
5203 Bedford — Withdrawn.

Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.

Nays — None.

NEW BUSINESS

Department of Public Works City Engineering Division

May 24, 2011

Honorable City Council:

Re: Petition No. 815 — Toolles Clark, to vacate the existing Guilford Avenue, 60 feet wide, right-of-way located between south line of Hampton; west line of vacated Woodhall, north line of alley running east/west, north of Warren and east line of Cadieux.

Petition No. 815 of "Toolles Clark LLC", on behalf of the Detroit Public Schools request the conversion of Guilford Avenue, 60 feet wide, between Guilford Avenue, 60 feet wide, previously vacated on December 30, 1969 (J.C.C. Pages 3149-50) and the east-west public alley 16 feet wide, north of Warren Avenue, 105 feet wide, and that portion deeded for street purpose on December 30, 1969 (J.C.C. Pages 3149-50) into private easements for the utility companies. This request will facilitate the necessary land for the construction of a private drive for the New Finney-Crockett High School.

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,
RICHARD DOHERTY
City Engineer

City Engineering Division — DPW
By Council Member Brown:

Resolved, All that part of Guilford Avenue, 60 feet wide, between Guilford Avenue, 60 feet wide, previously vacated on December 30, 1969 (J.C.C. Pages 3149-50) and the east-west public alley 16 feet wide, north of Warren Avenue, 105 feet wide, lying Easterly of and abutting the East line of Lots 128 through 140, both inclusive, and vacated Frankfort

Avenue, 60 feet wide, and lying Westerly of and abutting the West line of Lots 172 through 179, both inclusive, and vacated Frankfort Avenue, 60 feet wide, all in the "Grosse Pointe Highlands Subdivision of Part of Lots 1, 2, 3, 4 and 5 of Front and Rear Concessions of P.C. 239" Gratiot and Grosse Pointe Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 36, Page 61, Plats, Wayne County Records;

Also, the west 75 feet of lots 167, 168, 169, 170 and the west 75 feet of the north 20 feet of Lot 171 (deeded to the City of Detroit on December 30, 1969 (J.C.C. Pages 3149-50) "Grosse Pointe Highlands Subdivision of Part of Lots 1, 2, 3, 4 and 5 of Front and Rear Concessions of P.C. 239" Gratiot and Grosse Pointe Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 36, Page 61, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities of the full width of the street, 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 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 street 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 street 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 street 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 street 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 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 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 easement, or that no grade changes or storage of materials shall be made within said easement 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 shall request the removal and/or relocation of the aforementioned utilities in said easement, 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 easement 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 street entrance (into the remaining portion of Guilford 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.

Resolved, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following described parcel of land for the fair market value and/or other valuable consideration to the Detroit Public School Board of Education:

Land in the City of Detroit, Wayne County, Michigan being the west 75 feet of lots 167, 168, 169, 170 and the west 75 feet of the north 20 feet of Lot 171 (deeded to the City of Detroit on December 30, 1969 (J.C.C. pages 3149-50) "Grosse Pointe Highlands Subdivision of Part of Lots 1, 2, 3, 4 and 5 of Front and Rear Concessions of P.C. 239" Gratiot and Grosse Pointe Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 36, Page 61, Plats, Wayne County Records

