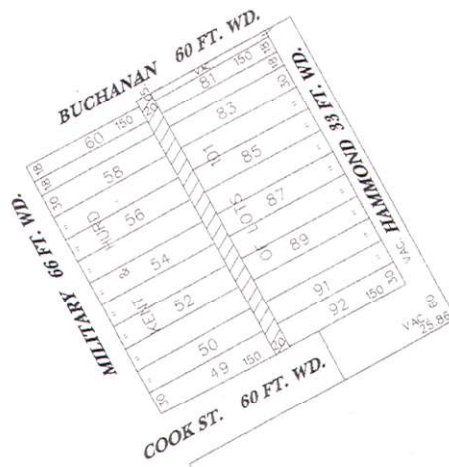


PETITION NO. 2517
 VOYAGEUR ACADEMY
 1250 ROSA PARKS
 DETROIT, MI 48216
 c/o JOSEPH J. RUSH
 P313-964-2339



-REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 13 E

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DESCRIPTION		REV	DATE	CITY OF DETROIT		CITY ENGINEERING DEPARTMENT			
REVISIONS				SURVEY BUREAU					
DRAWN BY		DESIGNED		REQUESTED CONVERSION TO EASEMENT		JOB NO. 01-01			
DATE		CHECKED		THE N/S PUBLIC ALLEY BND, BUCHANAN,		DRAWG. NO. x 2517. dgn			
5/16/08		APPROVED		MILITARY, HAMMOND AND COOK ST.					

Adopted as follows:
 Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**

September 9, 2011

Honorable City Council:
 Re: Petition No. 961 — Taktix Solutions request vacation of the north-south alley from the northern curb line of Martin Luther King, Jr. Blvd. to the south line of lots 493 & 508 of public alley located between 18th Street to the west and 17th Street to the east. Petition No. 961 of "Taktix Solutions", request the conversion of the remaining

portion of the north-south open public alley, 20 feet wide, in the block bounded by Magnolia Street, 50 feet wide, Martin Luther King Jr., Boulevard, 50 feet wide, 18th Street, 60 feet wide and 17th Street, 60 feet wide into a private easement for the public and private utility companies. This closure will assist in the expansion of the University of Detroit Mercy's surface parking lot.

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 this 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 the North-South public alley, 20 feet wide, in the block bounded by Magnolia Street, 50 feet wide, Martin Luther King Jr., Boulevard, 50 feet wide, 18th Street, 60 feet wide and 17th Street, 60 feet wide lying Easterly of and abutting the East line of Lots 492 through 490, both inclusive, and lying Westerly of and abutting the West line of Lots 509 through 511, both inclusive, all in the "Subdivision of Part of the Stanton Farm P.C. 473 & rear concession" December 14, 1869 as recorded in Liber 1, Page 255, Wayne County Records;

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:

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, 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 hydrant 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, Said easements or rights-of-way in and over said vacated 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 relacing 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 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

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 easement, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

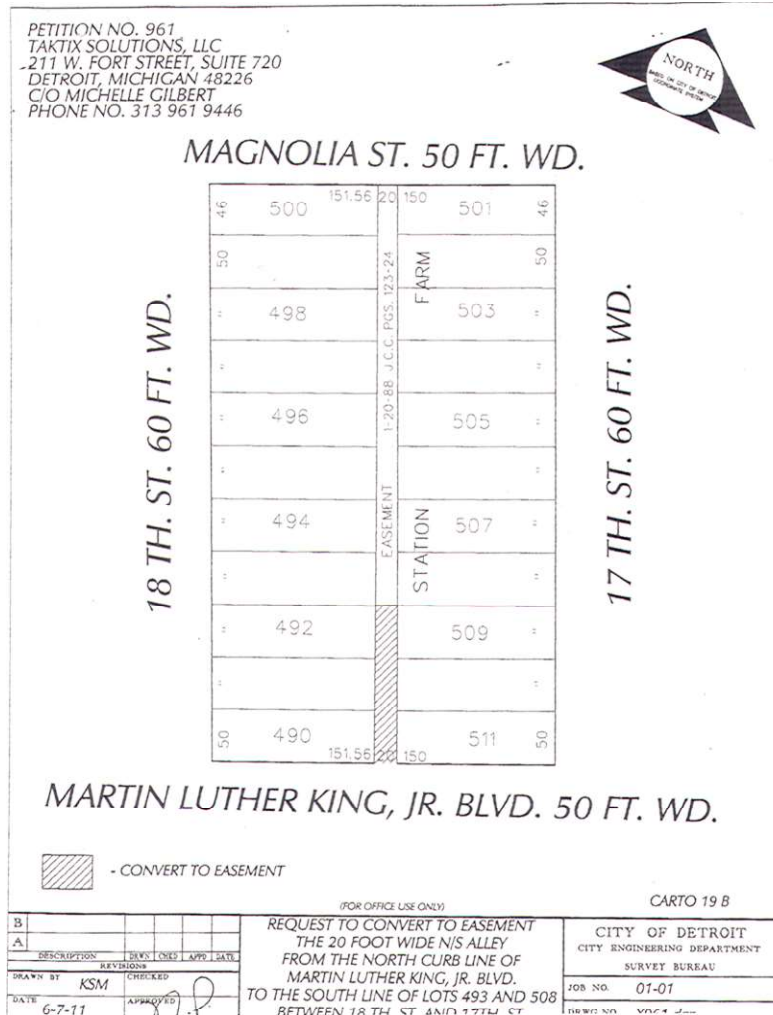
Fourth, That if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of

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 Martin Luther King, Jr. Boulevard), 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, Tate, Watson, and President Pugh — 9.
 Nays — None.

**Water and Sewerage Department
 General Administration**
 June 23, 2011

Honorable City Council:
 Re: Proposed Intergovernmental Agreement between DWSD and Wayne County for the Joy Road Project.

We request your approval of an intergovernmental agreement in the amount of \$291,049.00 with Wayne County for the Joy Road Project. This agreement will provide for the reimbursement of Wayne County for services to be provided related

to installing a new DWSD water main in Joy Road between Southfield and Greenfield. This agreement was approved by the Board of Water Commissioners on April 27, 2011.

The Michigan Department of Transportation is providing funding to rebuild and repave Joy Road between the Southfield Freeway and Greenfield. The road reconstruction is funded with a federal grant to MDOT. MDOT will take bids for the construction work and award the contract. DWSD and MDOT have agreed that as part of the road reconstruction work, MDOT will have its contractor replace a 70-year old water main in Joy Road. There is a separate agreement between DWSD and MDOT for this work. The cost of the new water main installation is \$3,678,600. DWSD and MDOT