

**Department of Public Works
City Engineering Division**

September 11, 2012

Honorable City Council:

Re: Petition No. 2060 — Voyageur Academy, request alley vacation south of Buchanan and west of Wesson; Cook east of Military; and Military between the alley (which is parallel to Michigan and north of Michigan) to Buchanan Street.

Petition No. 2060 of "Voyageur Academy", request the conversion of certain public rights-of-way in the block bounded by Buchanan Street, 60 feet wide, Michigan Avenue, 120 feet wide, Livernois Avenue, 120 feet wide, and Wesson Avenue, 50 feet wide, into private easements for the utilities.

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.

Prior to the actual closing of Military Avenue the petitioner and/or property owner is required to submit street closure signage and detour plans for Traffic Engineering Division — DPW's review and approval.

It has come to the attention of City Engineering Division — DPW that the residents on the north side of Buchanan Avenue object to the closing of Military south of Buchanan Avenue for the reason it would inconvenience the residents who walk and drive that portion of Military. The residents were not informed of the request to close the streets because they do not abut Military Avenue requested to be vacated.

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 the 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 the North-South public alley, 20 feet wide, in the block bounded by Buchanan Avenue, 60 feet wide, Cook Street, 60 feet wide, Hammond Avenue (vacated), and Military Avenue, 66 feet wide, lying Westerly of and abutting the West line of Lots 81 through 92, both inclusive, and lying Easterly of and abutting the East line of Lots 49 through 60, both inclusive, all in the "Plat of Kent and Hurb's Subdivision of Lots 49, 50, 54, 55, 74, 75, 89, 92, 93, 98, 101 and 102 of the Estate of Stephen Livernois on P.C. 574" Springwells (now

Detroit) Wayne County, recorded May 13, 1882 as recorded in Liber 6, Page 66, Plats, Wayne County Records;

Also, All that part of the North-South public alley, 20 feet wide, south of Buchanan Street and between Wesson Avenue, 50 feet wide, and Hammond Avenue (vacated) lying Westerly of and abutting the West line of Lots 6, 7 and 8 in the "Fredrick C. Lutge's Subdivision of Lots 1 to 7, both inclusive of Jos. Bushey's Subdivision of Block D of the subdivision of P.C. 171, North of Michigan Avenue, recorded August 11, 1881 as recorded in Liber 6, Page 15 of Plats, Wayne County Records, and lying Easterly of and abutting the East line of Lots 13 and 14 in the Joseph Bushey's Subdivision of a portion of P.C. 171 confirmed to Joseph Livernois (Jr.) lying North of and adjacent the Chicago Road and Adjacent the West line of said claim August 13, 1872 as recorded in Liber 2, Page 6 of Plats, Wayne County Records;

Also, All that part of Cook Street, 60 feet wide, between Military Avenue, 66 feet wide, and the vacated portion of Cook Street, 60 feet wide, lying Southerly of and abutting the South line of Lot 49 and west 35.00 feet of Lot 92 in the "Plat of Kent and Hurb's Subdivision of Lots 49, 50, 54, 55, 74, 75, 89, 92, 93, 98, 101 and 102 of the Estate of Stephen Livernois on P.C. 574" Springwells (now Detroit) Wayne County, recorded May 13, 1882 as recorded in Liber 6, Page 66, Plats, Wayne County Records; And lying Northerly of and abutting the North line of Lots 76 through 79, both inclusive, in the "Plat of Part of P.C. 574 Estate of Stephen Livernois" Springwells (now Detroit) Wayne County, Michigan Filed March 30, 1874 recorded September 128, 1874 as recorded in Liber 180, Pages 343-5, Deeds, Wayne County Records;

Also, All that part of Military Avenue, 66 feet wide, between Buchanan Avenue, 60 feet wide, and the first alley north of Michigan Avenue, 120 feet wide, lying Westerly of and abutting the West line of Lots 49 through 60, both inclusive, "Plat of Kent and Hurb's Subdivision of Lots 49, 50, 54, 55, 74, 75, 89, 92, 93, 98, 101 and 102 of the Estate of Stephen Livernois on P.C. 574" Springwells (now Detroit) Wayne County, recorded May 13, 1882 as recorded in Liber 6, Page 66, Plats, Wayne County Records, and the North 101.70 feet of Lot 79 in the "Plat of Part of P.C. 574 Estate of Stephen Livernois" Springwells (now Detroit) Wayne County, Michigan Filed March 30, 1874 recorded September, 1874 as recorded in Liber 180, Pages 343-5, Deeds, Wayne County Records; And lying Easterly of and abutting the East line of Lots 16 through 18, both inclusive, in the "Plat of Stark's Subdivision of Lots 56 and 86 of the Estate of Stephen Livernois on P.C. 574"

Springwells (now Detroit) Wayne County, Michigan, T2S., R11E., recorded in April 18, 1882, as recorded in Liber 6, Page 57, Plats, Wayne County Records, And Lots 10 through 18, both inclusive, in the Plat of Lillibridge and Latham's Subdivision of Lots 85 and 88 of the Subdivision of the Estate of Stephen Livernois on P.C. 574 Springwells (now Detroit) Wayne County, Michigan recorded March 28, 1882 as recorded in Liber 6, Page 55, Plats, Wayne County Records, and the north 60.00 feet of Lot 80 in the "Plat of Part of P.C. 574 Estate of Stephen Livernois" Springwells (now Detroit) Wayne County, Michigan Filed March 30, 1874 recorded September, 1874 as recorded in Liber 180, Pages 343-5, Deeds, Wayne County Records;

Be and the same is hereby vacated as public streets and alleys, and is hereby converted into private easements for public utilities of the full width of the streets and alleys, 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 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 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 any time in the future,

the owners of any lots abutting on said streets and alleys shall request the removal and/or relocation of the aforementioned utilities in said easements, 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 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 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 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 public streets and alleys 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 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 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,

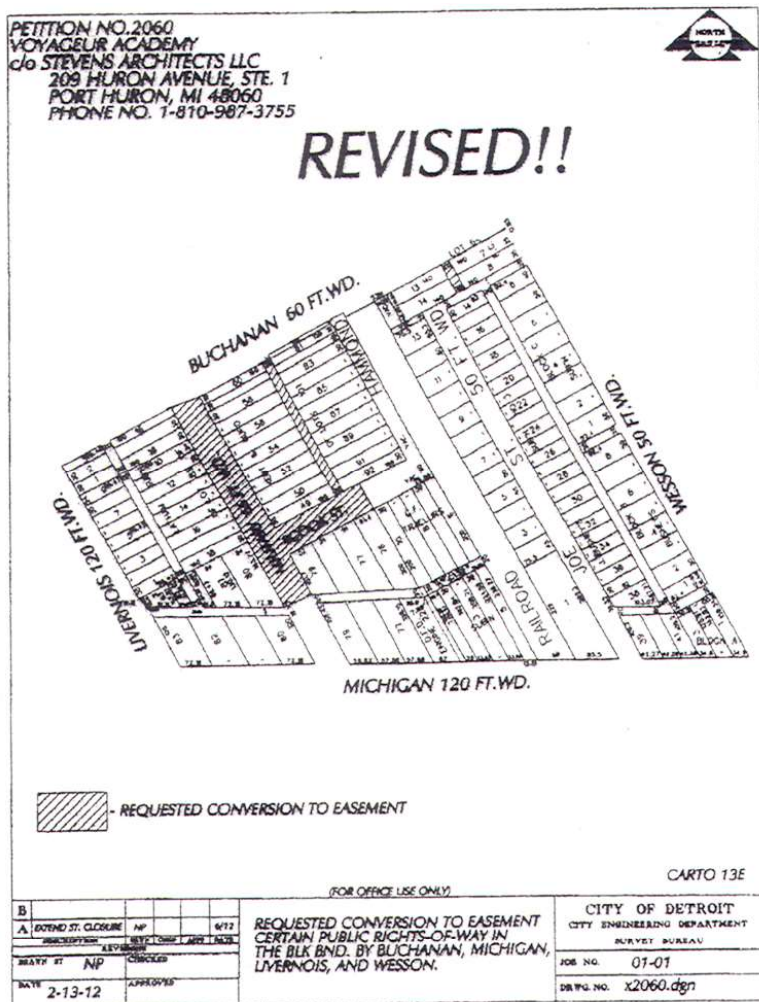
Fourth, That if the owners of any lots abutting on said vacated streets and alleys shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to

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 utilities; and further

Provided, That if it becomes necessary to remove the paved street and alleys return at the entrances (into Buchanan Street.), 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.