

Section 3. This ordinance is declared necessary for the preservation of the peace, health, safety, and welfare of the People of the City of Detroit.

Section 4. Where this ordinance is passed by a two-thirds (2/3) majority of City Council Members serving, it shall be given immediate effect and shall become effective upon publication in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is passed by less than two-thirds (2/3) majority of City Council Members serving, it shall become effective thirty (30) days after publication in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

Approved as to form:

KRYSTAL A. CRITTENDON

Corporation Counsel

Read twice by title, ordered, printed and laid on table.

RESOLUTION SETTING HEARING

By Council Member Brown:

Resolved, That a public hearing will be held by this body in the Committee Room, 13th Floor of the Coleman A. Young Municipal Center, for the purpose of considering the advisability of adopting the foregoing proposed ordinance to amend Chapter 38 of the 1984 Detroit City Code, *Offenses, miscellaneous Provisions*, Article I, *In General*, by repealing Sections 38-1-1, *Begging*, and adding substitute Section 38-1-1, *Begging and Soliciting, Food, or Other Donations Permitted Except in Specific Manners and at Certain Locations*, to define the terms 'accosting,' 'beg or solicit,' 'forcing oneself upon the company of another,' and 'mobile food service establishment;' and to prohibit the specific manners by which, and the certain locations where, individuals may beg or solicit money, food, and other donations; and Article IV, *Offenses Against Property*, by amending Section 38-4-1, *Trespassing in Vacant Buildings, Occupied Dwellings, and ACTIVE Commercial Establishments*, to prohibit trespassing in the occupied dwelling of another, or on the property on which the occupied dwelling of another is located; and to prohibit trespassing in an active commercial establishment or on the property on which an active commercial establishment is located.

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**

June 19, 2012

Honorable City Council:

Re: Petition No. 2103 — John B. Brown, requesting vacation of alley abutting

corner of W. Eight Mile Road and Ilene, directly south of lots 30 thru 35, Grand Park Subdivision.

Petition No. 2103 of "John B. Brown" request the conversion of the remaining portion of the east-west public alley, 30 feet wide, (a portion being deeded to the City of Detroit on March 4th, 1958) south of West Eight Mile Road, 204 feet wide, and between Ilene Avenue, 50 feet wide and Washburn Avenue, 50 feet wide into a private easement for 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.

All City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into 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 East-West public alley, 30 feet wide, South of West Eight Mile Road, 204 feet wide, and between Ilene Avenue, 50 feet wide, and Washburn Avenue, 50 feet wide (with a portion being deeded to the City of Detroit on March 4th, 1958) lying Northerly of and abutting the North line of Lot 345 and lying Southerly of and abutting the South line of Lots 30 through 35, both inclusive, all in the "Grand Park Subdivision" of the East 1/2 of the Northeast 1/4 of Section 5 T.1S., R.11.E. Greenfield Township (now the City of Detroit) Wayne County, Michigan as recorded in Liber 42, Page 16, Plats, 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 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, 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 alley shall request the removal and/or relocation of the aforementioned utilities in said easement, 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 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 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 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 entrance (into Ilene 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:

Land in the City of Detroit, Wayne County, Michigan being that part of the North 12.00 feet of Lot 345 of "Grand Park Subdivision" of the East 1/2 of the Northeast 1/4 of Section 5 T.1S., R.11.E. Greenfield Township (now the City of Detroit) Wayne County, Michigan as recorded in Liber 42, Page 16, Plats, Wayne County Records.

