

6188 15th, 16190 Appoline, 830 Lowerenz, 14720 Liberal, 15031 Manning, 8618 Maxwell, 14400 Mayfield, 17915 McDougall, 3826 McDougall, 13214 E McNichols, 1905 E. McNichols, 17416 Mendota;

831 Merton, 6708-10 Michigan, 2775 Military, 12751 Monica, 4555 Neff, 4644 Neff, 16162 Ohio, 19648 Omira, 5008 Pacific, 5014 Pacific, 5027 Pacific, 16928 Pembroke;

8864 Penrod, 8901 Penrod, 8317 Piedmont, 395 Piper, 11300 Plainview, 9981 Plainview, 18338 Plymouth, 19928 Russell, 19940 Russell, 11483 Sanford, 11561 Sanford, 4660 Scotten;

5675 Seminole, 3685 Somerset, 17516 St. Aubin, 5673 Stanford, 13925 Steel, 18101 Steel, 20505 Steel, 12802 Stout, 14181 Stout, 19752 Stout, 9232 Stout, 8048 Suzanne;

19147 Syracuse, 19163 Syracuse, 19202 Syracuse, 19226 Syracuse, 19236 Syracuse, 19244 Syracuse, 19252 Syracuse, 19400 Syracuse, 13201 Terry, 3456 Townsend, 16184 Tracey, 8631 Traverse;

8671-73 Traverse, 13550 Trinity, 8141 Turney, 15900 Turner, 16511 Turner, 3351 Tyler, 3480 Van Dyke, 5075 Van Dyke, 5058 Vancouver, 5362-4 Vancouver, 9045 Vaughan, 9383 E Vernor;

15539 Wabash, 12231 Ward, 13531-33 Ward, 12172 Washburn, 1670 Waverly, 1990 Waverly, 3727 Wesson, 15846 West Parkway, 12664 Westbrook, 11696 Westwood, 11737 Westwood, 19940 Wexford;

13954 Whitcomb, 14870 Winthrop, 7267 Winthrop, 14059 Wisconsin, 8595 Wisconsin, 9118 Witt, 2460-6 Woodmere, 6350 Woodrow, 9849 Woodside, 16834 Wormer, 17631 Wormer, 11500 Wyoming, for the purpose of giving the owner or owners the opportunity to show cause why said structure should not be demolished or otherwise made safe, and further

Resolved, That the Director of the Buildings, Safety Engineering and Environmental Department be and is hereby requested to have his department represented at said hearings before this Body.

Adopted as follows:

Yeas — Council Members Cockrel, Jr., Jones, Spivey, Tate, Watson, and President Jenkins — 6.

Nays — None.

**Department of Public Works
City Engineering Division**

April 30, 2013

Honorable City Council:

Re: Petition No. 2351 — Nailah, LLC request hearing relative to conversion of alley to easement between E. Ferry and E. Kirby, bordering I-75 and St. Antoine.

Petition No. 2351 of "Nailah, LLC" request for the conversion of a portion of the east-west public alley, 20 feet wide, in

the block bounded by East Ferry Street, 80 feet wide, East Kirby Street, 80 feet wide, St. Antoine Avenue, 80 feet wide, and the Walter P. Chrysler Highway (I-75) into a private easement with conditions (maintaining a vehicular and pedestrian easements in the requested area). This request will facilitate the restoration development of several historic structures in the re-establishment of the Art Center neighborhood.

The request was approved by the Solid Waste Division — DPW, and Traffic Engineering Division — DPW (with conditions). The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The petitioner/property owner (Nailah LLC c/o Julio Bateau) and abutting property owners must maintain a clear and unobstructed pathway in the requested alley. This vehicular and pedestrian easement will be maintain until the abutting property owners present or future re-submit/petition City Council to remove the vehicular and pedestrian easement.

Nailah LLC has committed to the City of Detroit in writing that the company will repave said requested alley to city standards, specifications, and obtain the necessary right-of-way permits.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,

RICHARD DOHERTY

City Engineer

City Engineering Division — DPW
By Council Member Jones:

Resolved, All that part of the East-West public alley, 20 feet wide, in the block bounded by East Ferry Street, 80 feet wide, East Kirby Street, 80 feet wide, St. Antoine Avenue, 80 feet wide, and the Walter P. Chrysler Highway (I-75) lying Southerly of and abutting the South line of Lots 2 through 8, both inclusive, and lying Northerly of and abutting the North line of Lots 9 through 15, both inclusive, block G, all in the "Ferry and Moran's Subdivision of Blocks G, H, I, J and the North half of Block F, Charles Moran Farm" as recorded in Liber 12, Page 36, 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 with conditions (maintaining a vehicular and pedestrian easements in the requested area) 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 said described vacated alley must maintain a clear and unobstructed pathway in the alley for vehicular and pedestrian traffic at all times; and further

Provided, That at any time the property owners or petitioner abutting said alley plan to repave the alley to it must be done to city standards, specification, and obtain the necessary right-of-way permits; 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, including 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 any time in the future, the owners of any lots abutting on said vacated alley 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 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 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 it is prohibit to remove the paved alley return at the entrances (into Walter P. Chrysler Service Drive (I-75), such removal requires the written permission of City Engineering Division — DPW; 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.

