

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**

July 19, 2013

Honorable City Council:
Re: Petition No. 2676 — Mahmood Gholami requests to vacate the alley behind 16021 West Warren bounded by W. Mansfield, E. Rutherford and W. Warren.

Petition No. 2676 by Mahmood Gholami requests the conversion of the east portion of the east-west public alley, 18 feet wide, in the block bounded by Mansfield Avenue, 50 feet wide, Rutherford Avenue, 50 feet wide, Whitlock Avenue, 60 feet wide and West Warren Avenue, 100 feet wide into an 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 the public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.

Detroit Water and Sewerage Department (DWSD) have no objection to the conversion to easement. The specific DWSD provisions for easements are included in the resolution.

Public Lighting Department (PLD) has no objection to the conversion to easement. PLD reports they have facilities in the area and provisions to protect these facilities and to provide access are included as 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 Jones:

Resolved, All that part of the East-West public alley, 18 feet wide, in the block bounded by Mansfield Avenue, 50 feet wide, Rutherford Avenue, 50 feet wide, Whitlock Avenue, 60 feet wide and Warren Avenue, 100 feet wide, lying Northerly of and adjoining the North line of Lot 184 also lying southerly of and adjoining the South line of Lots 185 thru 190, both inclusive and lying southerly of and adjoining the South line of the easterly 11.00 feet of lot 191 "Hellner Estates, a Subdivision of part of the North 1/2 of the N.E. 1/4 of Section 12, T2S, R10E, Dearborn Township, Wayne County, Michigan" as

recorded in Liber 41, Page 4 of 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:

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 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 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

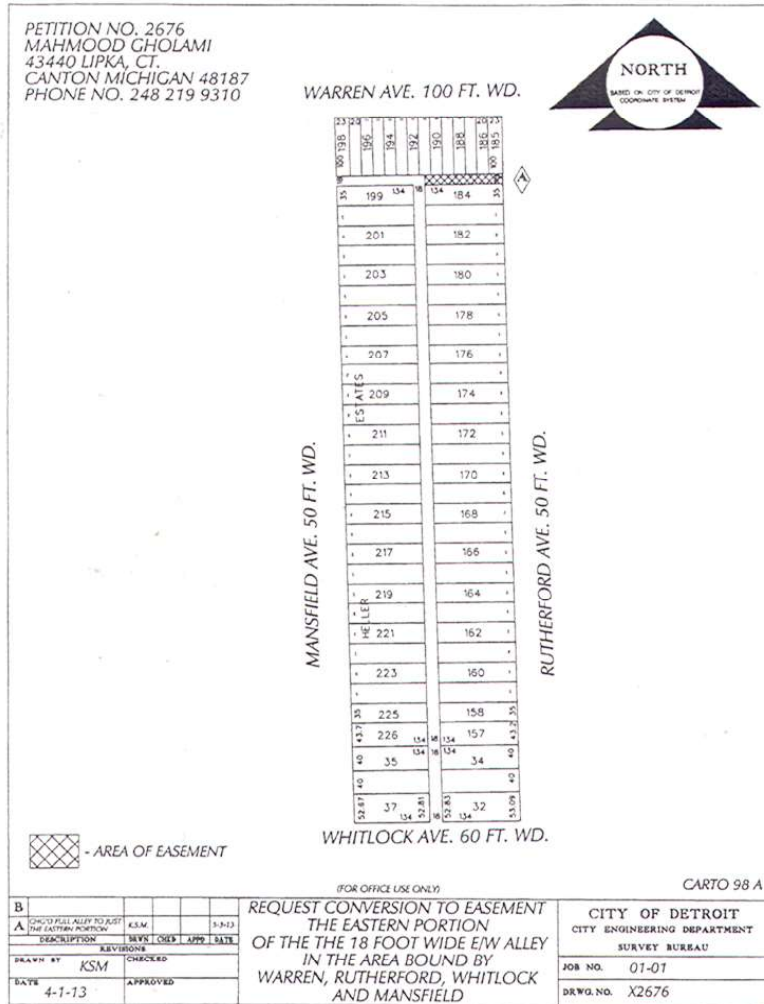
Provided, That the Public Lighting Department requires that no structures or barricades be built over PLD installations

or on existing utility easement areas. As per PLD requirements, any structure proposed to be built shall maintain 10 feet horizontal clearance from the overhead PLD lines and installations also any structure proposed to be built shall maintain a minimum of 3 feet horizontal clearance and 12 feet vertical clearance from the PLD conduit bank and manholes. The contractor should take necessary precautions not to damage PLD utilities, if they plan to use heavy earth moving equipment. The contractor will be liable for any damages to any PLD underground facilities. PLD requires unrestricted easement rights with 24-hour heavy vehicle access in order to maintain their facilities; and be it further

Provided, That if at 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 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

Provided, That if it becomes necessary to remove the paved alley return at the entrance (into Rutherford 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.



Adopted as follows:
 Yeas — Council Members Cockrel, Jr., Jones, Spivey, Tate, Watson, and President Jenkins — 6.
 Nays — None.

Detroit Department of Transportation
 July 31, 2013

Honorable City Council:
 Re: Acceptance of FY 2013 Section 5307 Congestion Mitigation and Air Quality Improvement Program (CMAQ), Federal Transit Administration (FTA) and MDOT Award MI-95-X062.
 Your Honorable Body is respectfully requested to accept the above-referenced Section 5307 CMAQ grant contract with the FTA and MDOT.
 This grant contract will provide additional funding to make the final lease pay-

out (finance) payments for DDOT's 2005 acquisition of 121 buses.

This grant is 80% federally funded and 20% state funded no local share is required from the City of Detroit General Fund. Your Honorable Body's approval of this grant contract is greatly appreciated.

Respectfully submitted,
 RONALD FREELAND
 Director

Approved:
 FLOYD STANLEY
 Budget Director
 CHERYL JOHNSON
 Finance Director

By Council Member Jones:
 Resolved, That the Detroit Department of Transportation (DDOT) be and is hereby authorized to enter into a grant contract with the Federal Transit