

Administration (FTA) and MDOT to accept FY 2013 Section 5307 Congestion Mitigation and Air Quality Improvement Funds. This contract provides additional funding to make final lease/finance payout payments for DDOT's 2005 bus acquisition (121 buses); and be it further

Resolved, That funds be increased in Appropriation Account No. 10330 by \$4,253,402 (80% FTA and 20% MDOT); and be it further

Resolved, That the Director or Department Head of the Detroit Department of Transportation be and is hereby authorized to execute the agreement on behalf of the City of Detroit; and be it further

Resolved, That the Finance Director be and is hereby authorized to establish the necessary accounts, transfer funds and honor payrolls and vouchers in accordance with the foregoing communication and standard City accounting practices, and the regulations of the Federal Transit Administration.

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**

June 27, 2008

Honorable City Council:

Re: Petition No. 2865 — New Mount Carmel Tabernacle Church of God, request an easement of alley at the intersection of Pennsylvania, Gratiot and Harper Avenues.

Petition No. 2865 of "New Mount Carmel Tabernacle Church of God" request for the conversion of the east-west public alley, 18 feet wide, in the block bounded by Harper Avenue, 86 feet wide, Edsel Ford Freeway (I-94), Pennsylvania Avenue, 60 feet wide, and Cadillac Avenue, 66 feet wide, into an easement for utilities. This request is necessary to facilitate the church in combining multiple parcels of property into one parcel.

In the letter requesting for the conversion to easement of said alley the petitioner (New Mount Carmel Tabernacle Church of God) also committed to allowing vehicular access during normal business hours to the single adjacent property owner upon written request. This commitment will be part and provision of the attached resolution to grant this easement request.

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.

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 Harper Avenue, 86 feet wide, Edsel Ford Freeway (I-94), Pennsylvania Avenue, 60 feet wide, and Cadillac Avenue, 66 feet wide lying Southerly of and abutting the South line of Lots 1 through 6, both inclusive, and the west 3.87 feet of Lot 7 and lying Northerly of and abutting the North line of Lot 8 all in the "Kalthoff's Subdivision" of Lots 12, 13 and part of Lot 14 of Toms and Butler's Subdivision of Section 1 of rear concessions of P.C.'s 257 and 337 City of Detroit, Wayne County, Michigan as recorded in Liber 30, Page 28 Plats, Wayne County Records.

Be and the same is hereby converted into an easement with the reservation of a vehicular easement for the adjacent property owner traffic and utilities of the full width of the alley, which vehicular easement shall be subject to previously stated and following provisions, covenants, 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 the property owner and/or petitioner will continue to grant access over said 18 feet wide alley for vehicular traffic by the adjacent property owner upon written request to New Mount Carmel Tabernacle Church of God; and further

Provided, That once written request has been given to the adjacent property owner to New Mount Carmel Tabernacle Church of God, New Mount Carmel Tabernacle Church of God is to grant the adjacent property owner with access during normal business hours; 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 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 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 if it becomes necessary to remove the paved alley return at the entrances (into John R 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.

