



Adopted as follows:
 Yeas — Council Members Benson, Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.
 *WAIVER OF RECONSIDERATION (No. 8), per motions before adjournment.

**Department of Public Works
 City Engineering Division**

August 14, 2014

Honorable City Council:
 Re: Petition No. 124, Third New Hope Baptist Church, request to allow the vacation of the alley right-of-way for the construction of a new parking lot for the church in early spring 2014.

Petition No. 124, Third New Hope Baptist Church, request conversion of the North-South and the East-West public

alleys, 16 feet wide, in the block bounded by Plymouth Road, 66 feet wide, Wadsworth Avenue, 50 feet wide, Sorrento Avenue, 75 feet wide and Steel Avenue, 75 feet wide, into a private subsurface easement for utilities.

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 private subsurface easements for public utilities. The request was approved by the Solid Waste Division — DPW, and Traffic Engineering Division — DPW.

Provisions protecting utility installations are part of the attached resolution. Detroit Water and Sewerage Department (DWSD)

has no objection to the conversion to subsurface easements. The specific DWSD provisions for easements are included in the resolution. Public Lighting Department (PLD) has no objection to the conversion to subsurface easements. The specific PLD provisions for easements are included in the resolution.

DTE Electric and AT&T report being involved and have no objections provided the cost of removing and/or rerouting their services is borne by the petitioner.

I am recommending adoption of the attached resolution.

Respectfully submitted,
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW
By Council Member Benson:

Resolved, That all of the East-West public alley, 16 feet wide, lying North of and adjoining the North line of Lots 207 thru 219, both inclusive, and lying south of and adjoining the South line of Lots 206 and 220; also all of the North-South public alley, 16 feet wide, lying East of and adjoining the East line of Lots 190 thru 206, both inclusive, and lying West of and adjoining the West line of Lots 220 and 236, both inclusive, all in the "Frank B. Wallace Grand River Villas Subdivision of the E. 1/2 of the S.W. 1/4 of Section 29, T.1S., R.11E., Greenfield Township, Wayne County, Michigan" as recorded in Liber 34, Page 22 of Plats, Wayne County Records.

Be and the same are hereby vacated as public alleys and are hereby converted into a private subsurface easements for public utilities, the full width of the alleys, which easements 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 alleys and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public subsurface easements or rights-of-way over said vacated 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, electric light conduits or things usually placed or installed in a public alley below grade in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth,

Second, Said utility subsurface easements or rights-of-way in and over said vacated 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, con-

duit, water main, gas line or main, or any utility facility placed or installed in the utility easements or rights-of-way below grade. 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 easements 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 alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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 petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services; 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 posts 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 the Public Lighting Department has overhead wires that need to be removed. Streetlights on Steel Avenue and Sorrento Avenue will have to be fed from another service point. All work must be done at project expense. The estimated cost of the work is \$15,000. Coordinate with Denise Williams at 313-267-7216; and be it further

Provided, That DTE electric is involved and the estimated costs for removing and/or rerouting electric service is \$14,800 for removal only and \$95,628 to reread existing buildings. Contact Kimberly A. Tassen, Right of way facilitator at (313)235-4458; and be it further

Provided, That the petitioner contact AT&T for the cost of removing and/or relocating their services at project cost. Contact 888-901-2779; and be it further

Provided, That if any time in the future, the owners of any lots abutting on said vacated 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 this action; and be it further

Provided, That if it becomes necessary to remove the paved alley returns at the entrances (into Sorrento Avenue, Steel Avenue or Wadsworth 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 heirs 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 Benson, Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 9), per motions before adjournment.

Permit

Honorable City Council:

To your Committee of the Whole was referred petition of Ford Field (#335), to hold the "Lions Pregame Tailgate." After consultation with the Police Department and careful consideration of the request, your Committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

SCOTT BENSON

Chairperson

By Council Member Benson:

Resolved, That subject to the approval of the Mayor's Office, Buildings, Safety Engineering and Environmental, Business License Center (2), DPW — City Engineering, Fire and Municipal Parking Departments, permission be and is hereby granted to Ford Field (#335), to hold the "Lions Pregame Tailgate" on Brush Street and Adams Street outside of Ford Field on 8/9/14, 8/22/14, 9/8/14, 9/21/14, 10/5/14, 10/19/14, 11/9/14, 11/27/14, 12/7/14 and 12/14/14 with various times each day and temporary street closures.

Provided, That permits are secured from the Buildings, Safety Engineering and Environmental Department before any tents are erected and that work is performed by a licensed tent erector under the rules and regulations of said department and the Fire Marshal, and further

Provided, That the required permits be secured should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further

Provided, That the petitioner secures a temporary use of land permit, which will include the erection of any mechanical devices and temporary structures. An inspection of electrical work is required prior to opening the facility to the public, and further

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Health Department, and further

Provided, That the site be returned to its original condition after said activity, and further

Provided, That such permission is granted with the distinct understanding that petitioners assume full responsibility for any and all claims, damages or expenses that may arise by reason of the granting of said petition, and further

Provided, That said activity is conduct-