



Adopted as follows:
 Yeas — Council Members Benson, Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**

August 6, 2014

Honorable City Council:
 Re: Petition No. 2570, Alpha Resins, LLC, request permission to vacate portions of Dean Avenue and Sunset Avenue at Alpha Resins facility.
 Petition No. 2570, Mr. Carl Nelson on behalf of Alpha Resins, LLC requests conversion of Sunset Avenue and Dean Avenue both from Nancy Avenue northward to dead end (Detroit Terminal Railroad); also the North-South public

alley, 20 feet wide, and the East-West alley 20 feet wide in the block bounded by Ryan Avenue, 66 feet wide, Dean Avenue, 60 feet wide, Nancy Avenue 50 feet wide and Detroit Terminal Railroad into private easements for utilities;

The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW.

All City Departments and privately owned utility companies have reported no objections to the conversion of 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 Depart-

ment (DWSD) has no objection to the conversion to easement. The specific DWSD provisions for easements are included in the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
RICHARD DOHERTY
City Engineer

City Engineering Division — DPW
By Council Member Benson:

Resolved, All that part of Dean Avenue, 60 feet wide, lying East of and adjoining the East line of Lots 77, 78, 79, 80 and 81 (including the South 20 feet of said Lot 78 deeded for an alley) and the vacated alley, 16 feet wide, North of and adjoining the North line of said Lot 77; also lying West of and adjoining the West line of Lots 122 thru 127, both inclusive "Downie's Aladdin Subdivision of part of the S.W. 1/4 of S.W. 1/4 of Section 8, T.1S., R.12E. Hamtramck Township (Now Detroit), Wayne County, Michigan" as recorded in Liber 35, Page 54 of Plats, Wayne County Records;

Also, All that part of Sunset Avenue, 60 feet wide, lying East of and adjoining the East line of Lots 128 thru 132, both inclusive, and the vacated alley, 16 feet wide, lying North of and adjoining the North line of said Lot 128; also lying West of and adjoining the West line of Lots 173 thru 178, both inclusive "Downie's Aladdin Subdivision of part of the S.W. 1/4 of S.W. 1/4 of Section 8, T.1S., R.12E. Hamtramck Township (Now Detroit), Wayne County, Michigan" as recorded in Liber 35, Page 54 of Plats, Wayne County Records;

Also, The North-South public alley, 20 feet wide, including the 18 feet wide portion as platted lying east of and adjoining the east line of Lots 71 thru 74, both inclusive, and lying westerly of and adjoining the westerly line of Lots 79, 80, 81, and the South 20 feet of Lot 78 (deeded for an alley), also including the East 2 feet of said alley opened as a widening by the acceptance of a deed to the City of Detroit on April 19, 1938 described as: the East 2 feet of Lots 71, 72, 73 and 74 all of the above in "Downie's Aladdin Subdivision of part of the S.W. 1/4 of S.W. 1/4 of Section 8, T.1S., R.12E. Hamtramck Township (Now Detroit), Wayne County, Michigan" as recorded in Liber 35, Page 54 of Plats, Wayne County Records;

Also, The East-West public alley, 20 feet wide, as opened by deed to the City of Detroit accepted on April 19, 1938 and described as: the South 20 feet of lot 78, "Downie's Aladdin Subdivision of part of the S.W. 1/4 of S.W. 1/4 of Section 8, T.1S., R.12E. Hamtramck Township (Now Detroit), Wayne County, Michigan" as recorded in Liber 35, Page 54 of Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alleys and are hereby converted into private easements

for public utilities of the full width of the streets and 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 streets and 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 easements or rights-of-way over said vacated streets and 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, 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 easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated streets and 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, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easements or rights-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 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 streets and 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 easements, 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 easements 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 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 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 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

Provided, That if it becomes necessary to remove the paved street entrances (Dean Avenue and Sunset Avenue into Nancy Avenue), or alley return at the entrance (into Nancy 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.

