

Approved:

PAMELA SCALES

Budget Director

JOHN NAGLICK

Finance Director

By Council Member Benson:

RESOLVED, The Detroit Police Department be and is hereby authorized to accept a 1970 Bell Helicopter, Aircraft Model OH58C, Serial Number 7015129 through the U.S. Department of Defense's 1033 Program.

RESOLVED, That the Finance Director be and is hereby authorized to establish necessary cost centers and appropriations, transfer funds, honor payrolls and vouchers when presented, as necessary, for the operation of the program as outlined in the foregoing communication.

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**

April 25, 2014

Honorable City Council:

Re: Petition No. 3910 — Daniel P. Overstreet for the conversion of alley to easement of abutting 20 foot wide alley between lots 13, plat of subdivision of parcel lots 61 and 62.

Petition No. 3910 (Initiated November 9, 2009) — Daniel P. Overstreet requests the conversion the west portion of the east-west public alley, 20 feet wide, and the south portion of the north-south public alley, 20 feet wide in the block bounded by Selden Avenue, 80 feet wide, Alexandrine Avenue, 100 feet wide, Cass Avenue, 80 feet wide and Woodward Avenue, 120 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) has no objection to the conversion to easement. The specific DWSD provisions for easements are included in the resolution.

The subject alley has been physically closed for several years. This petition was initiated November 9, 2009. The property line of the adjoining owners has been the subject of a court case. Now, the court

case has been settled; and a Stipulation Order has been issued and amended. The Amended Stipulation Order to dismiss the case, and establish the property lines, and to disclaim any interest in the alley by the defendant has been reviewed by the City of Detroit Law Department. The Law Department has found the Amended Stipulation Order sufficient for the consent of the owners of property abutting the alley for the closure. The Amended Stipulation Order is attached as Exhibit A of 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 the East-West public alley, 20 feet wide, in the block bounded by Selden Avenue, 80 feet wide, Alexandrine Avenue, 100 feet wide, Cass Avenue, 80 feet wide and Woodward Avenue, 120 feet wide, lying northerly of and adjoining the North line of Lots 2 thru 5, both inclusive, also lying southerly of and adjoining the South line of Lot 1; together with all that part of the North-South alley, 20 feet wide, in that same block lying easterly of and adjoining the easterly line of said Lot 1 and lying westerly of and adjoining the westerly line of Lot 6, plus part of the E-W public alley, 15 feet wide, in that same block, lying northerly of and adjoining the North line of Lot 6, all in "Plat of Fale's Subdivision of Lots 18, 19, 20, 21, 22 and 23 of the North half of Park Lot 63, Detroit, Wayne County, Michigan T2S, R12E" as recorded in Liber 5 Page 28 of Plats, Wayne County Records; and being more particularly described as:

Beginning at the southwesterly corner of said Lot 1 "Fale's Sub." L5, P28 PWCR; thence southerly 20.16 feet to the northwesterly corner of said Lot 2; thence along the northerly line of said Lots 2 thru 5 to the northeasterly corner of said Lot 5; thence northerly along the westerly line of said Lot 6, 40.00 feet to the northwesterly corner of said Lot 6; thence easterly along the northerly line of said lot 6 a distance of 11.16 feet more or less; thence northerly 15 feet to the southeasterly corner of Lot 13 "Plat of Park Lots 61 and 62" as recorded in Liber 1 Page 128 of Plats, Wayne County Records; thence along the southerly line of said Lot 13 a distance of 30.00 feet to the northeasterly corner of said Lot 1 "Fale's Sub." L5, P28 PWCR; thence along the easterly line of said Lot 1 a distance of 35 feet to the southeasterly corner of said Lot 1; thence along the southerly line of said Lot 1 a distance of 149.4 feet to the southwesterly corner of said Lot 1 and the point of beginning.

Be and the same is hereby vacated as a public alley and is hereby converted to 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 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 alterations 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

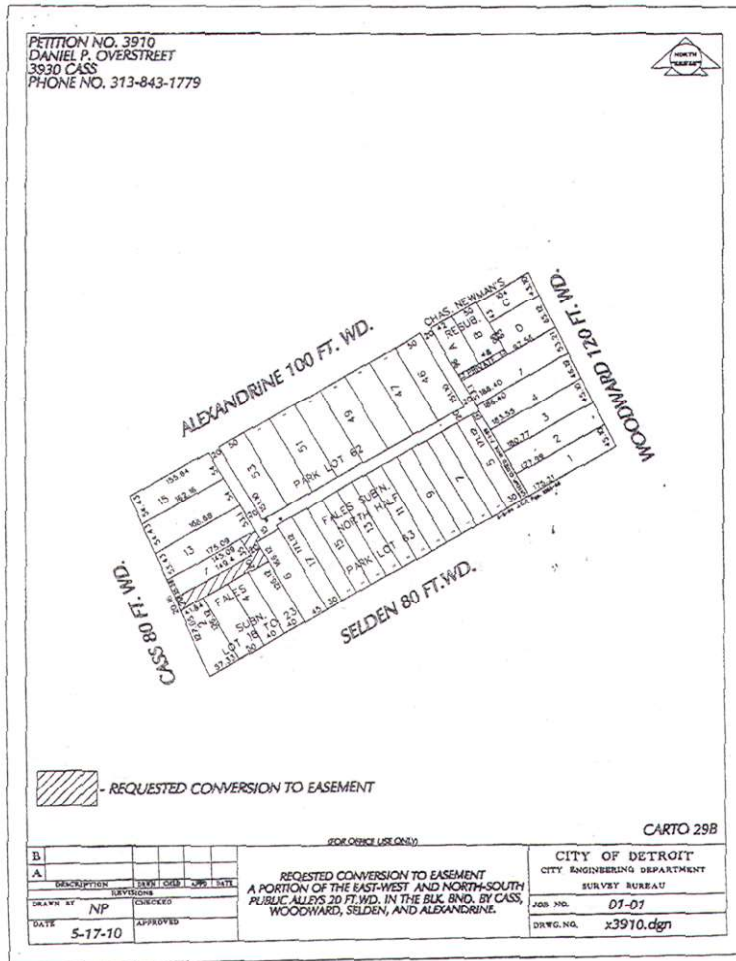
Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be 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 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 Cass 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 subject alley has an Amended Stipulation Order to dismiss a case, and establish the property lines, and to disclaim any interest in the alley by

the defendant. The Amended Stipulation Order is attached as Exhibit A of this resolution. 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.

Water and Sewerage Department
April 28, 2014

Honorable City Council:
Attached for your consideration and approval, is an official resolution to schedule the City Council Public Hearing on FY 2014/15 proposed Detroit retail water and

sewage rates, for Tuesday, June 10, 2014 at 6:00 p.m. in the 13th Floor Auditorium of the Coleman A. Young Municipal Center.

A waiver of reconsideration is requested, and we thank you in advance for your consideration and assistance.

Respectfully submitted,
SUE F. McCORMICK
Director

By Council Member Benson:
Resolved, The Detroit Water and Sewerage Department requests that the City Council Public Hearing on proposed