



Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Cushingberry, Jr., Sheffield, Spivey, Tate, and President Jones — 8.
 Nays — None.

**Department of Public Works
 City Engineering Division**

August 24, 2015

Honorable City Council:
 Re: Petition No. 377 — Maria Perez, request to close alley because of illegal dumping between Livernois, Horatio, Gilbert and Pelouze.
 Petition No. 377 — Maria Perez et al, request to vacate and convert to easement the east-west alley, 20 feet wide in the block bounded by Pelouze Street, 60 feet wide, Horatio Street, 60 feet wide,

Gilbert Avenue, 53 feet wide and Livernois Avenue, 120 feet wide.

The request is being made to provide security and to prevent illegal dumping in the alley.

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 involved City Departments, including the Public Lighting Department, and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into private easement for public utilities. Provisions protecting utility installations are part of this 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.

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, All of the east-west alley, 20 feet wide in the block bounded by Pelouze Street, 60 feet wide, Horatio Street, 60 feet wide, Gilbert Avenue, 53 feet wide and Livernois Avenue, 120 feet wide, and described as: Land in the City of Detroit, Wayne County, Michigan being the east-west public alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 110 through 116, both inclusive; also lying southerly of and adjoining the southerly line of Lots 95 through 101, both inclusive, "Wm. B. Wesson's Subdivision of Lot 10 & Wesson & Ingersol's Subdivision of Lot 8 of Private Claim No. 266, Springwells (now Detroit), Wayne County, Michigan" as recorded in Liber 5, Page 47 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public alley and 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 easement, 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 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,

