

Adams Street on the North side of the G.A.R. Building (1942 West Grand River Avenue) between Cass and Grand River Avenue.

Petition No. 2629, of New GAR LLC request to vacate and convert to easement a part of Adams Avenue, 60 feet wide, lying east of Grand River Avenue, 100 feet wide and west of Cass Avenue, 71 feet wide.

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

The requested closure of Adams Avenue was made to facilitate an expansion of a patio and garden extending from the buildings north façade into Adams Avenue.

Department of Public Works — Traffic Engineering Division (TED) objects to the vacation and conversion to easement of the requested portion of Adams Avenue, because the closure would restrict direct access to Grand River Avenue from Adams Avenue.

The Planning and Development Department comments the G.A.R. Building is a local Historic District and the changes to the exterior would require approval of the Historic District Commission.

By Council Member Ayers:

Whereas, The Department of Public Works — Traffic Engineering Division (TED) objects to the vacation and conversion to easement of the requested portion of Adams Avenue, and

Whereas, The Petitioner has no consent by the adjoining owner (Olympia Entertainment), and

Whereas, The Historic District Commission has not approved the proposal;

Therefore, City Engineering Division — DPW recommends DENIAL of this petition request.

Respectfully submitted,
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW

Not adopted as follows:

Yeas — None.

Nays — Council Members Ayers, Castaneda-Lopez, Cushingberry, Jr., Leland, Sheffield, Spivey, Tate, and President Jones — 8.

FAILED.

**Department of Public Works
City Engineering Division**

April 27, 2015

Honorable City Council:

Re: Petition No. 460 — U-Haul, request to have the right-of-way located at 19797 Livernois changed into an easement. The property is composed of two parcels: 16017515-31 and 160191.

Petition No. 460 — U-Haul Company of Detroit, request to vacate and convert to easement the north-south alley, 18 feet wide in the block bounded by St. Martins Avenue, 50 feet wide, Pembroke Avenue 66 feet wide, Stoepel Avenue, 50 feet wide and Livernois Avenue, 120 feet wide.

This request is being made in order to make a permanent closure of an alley that has been closed on a temporary basis and gated off since July 13, 1989.

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 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 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.

I am recommending adoption of the attached resolution.

Respectfully submitted,

RICHARD DOHERTY

City Engineer

City Engineering Division — DPW

By Council Member Ayers:

Resolved, All of north-south alley, 18 feet wide in the block bounded by St. Martins Avenue, 50 feet wide, Pembroke Avenue 66 feet wide, Stoepel Avenue, 50 feet wide and Livernois Avenue, 120 feet wide, lying easterly of and adjoining the East line of Lots 156 through 171, both inclusive, and lying westerly of and adjoining the West line of Lots 141 through 155, both inclusive "Assessor's Plat of Ridgefield Subdivision No. 1 of the North 1/2 of the S.E. 1/4 of Section 4, T.1S., R.11E., City of Detroit, Wayne County, Michigan" as recorded in Liber 64, page 80 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 easements for the purpose above set forth.

Second, Said utility easement or right-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, 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, remov-

ing, 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 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 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 streets and alleys shall request the removal and/or relocation of the aforementioned utilities in said easements, 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 returns at the entrances (into Pembroke Avenue and/or St. Martins 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.

