

Adopted as follows:

Yeas — Council Members Ayers, Benson, Cushingberry, Jr., Leland, Sheffield, Spivey, Tate, and President Jones — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

May 5, 2015

Honorable City Council:

Re: Petition No. 502, Baseline Property Investments, LLC, request to dedicate the use of the R.O.W. located at W. Eight Mile Road on the corners of Burt Rd. and Pierson St. for private parking.

Petition No. 502 — Baseline Property Investments, LLC request to vacate and convert to easement the west 20 feet of Pierson Avenue, 100 feet wide, and the east 20 feet of Burt Road, 126 feet wide from West Eight Mile Road, 204 feet wide to the east-west public alley, 20 feet wide, being the first alley south of West Eight Mile Road.

This request is being made in order to create more parking spaces for a planned new development on West Eight Mile Road.

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 the public rights-of-way into private easements 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, P.E.

City Engineer
City Engineering Division — DPW

By Council Member Benson:

Resolved, That the east 20 feet of Pierson Avenue, 100 feet wide, lying west of and adjoining the west line of Lot 394, and the west 20 feet of Burt Road, 126 feet wide, lying east of and adjoining the east line of Lot 384, all in "Harry Slatkin's Subdivision No. 2 of part of the N 1/2 of Section 3, T.1S., R.10E., City of Detroit, Wayne County, Michigan" as recorded in Liber 73, Page 24 of Plats, Wayne County Records;

Be and the same are hereby vacated

as a public streets and converted into a private easements for public utilities, the full 20 foot width, 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 by their heirs, executors, administrators and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public streets 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 right-of-way 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 easements or rights-of-way in and over said vacated streets 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 streets 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

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 post over its water mains at reasonable intervals and at points deflection; and be it further

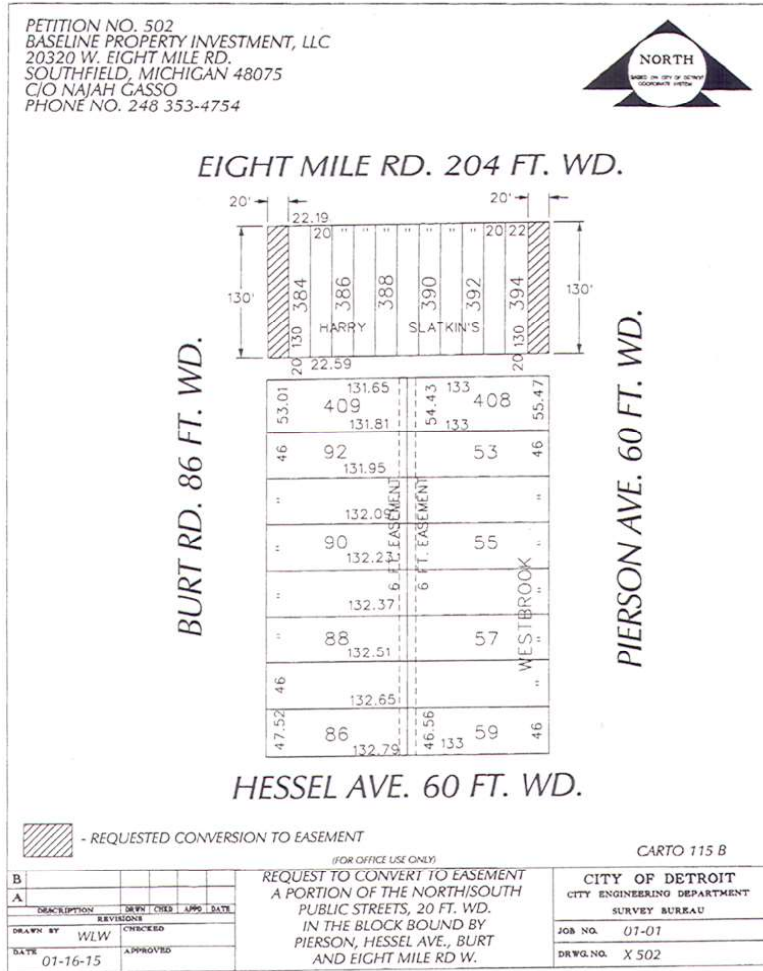
Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc.,

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 streets shall request the removal and/or relocation of the aforementioned utilities in said easement, 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 work in the remaining public right-of-way, any 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.



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

**Department of Public Works
 City Engineering Division
 May 8, 2015**

Honorable City Council:
 Re: Approval of Amendments to Under-ground Easements.

The Department of Public Works is requesting this Honorable Body approve amendments of easements to each of Sprint Communications Company, CenturyLink Communications, LLC, and Teleport Communications America, LLC for underground utility facilities in portions of the Woodbridge Street and Riopelle Street rights-of-way. These entities are

currently easement holders under grants of easements on former rail parcels now owned by the City of Detroit and The Economic Development Corporation of the City of Detroit and the relocation of their easements to the public right-of-way is necessary in order to accommodate a planned development project in the current easement areas.

A resolution consistent with the above is submitted for your consideration. We also respectfully request that your Honorable Body adopt the attached resolution with a waiver of reconsideration.

Respectfully submitted,
 RICHARD DOHERTY, P.E.
 City Engineer

City Engineering Division — DPW
 By Council Member Benson:

Whereas, The City of Detroit (the "City") previously acquired the parcels of land depicted on Exhibit A (the "Rail Parcels")