



Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Cushingberry, Jr., Leland, Sheffield, Spivey, Tate, and President Jones — 9.
 Nays — None.
 *WAIVER OF RECONSIDERATION (No. 5), per motions before adjournment.

**Department of Public Works
 City Engineering Division**
 August 24, 2016

Honorable City Council:
 Re: Petition No. 887 – Euclid Manufacturing, request to vacate a portion of E. Euclid Avenue and Hartwick Street to facilitate a manufacturing complex.
 Petition No. 887 – Euclid Manufacturing, request to vacate and convert to easement East Euclid Avenue, 60 feet wide from Riopelle Street, 46 feet wide to the Grand Trunk Railroad also part of

Hartwick Avenue, variable width, also the dedicated walkways adjoining 4 and 14 feet wide from Clay Avenue, 66 feet wide to Euclid Avenue, 60 feet wide.

This request is being made to facilitate a manufacturing complex with free flowing traffic and pedestrian access between buildings; also to provide security.

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.

Public Lighting Authority (PLA) reports four to five poles and lights within the proposed easement that will need to be removed/relocated. PLA can provide a detailed estimate of cost if necessary. A provision for PLA requirements is included in the resolution.

Detroit Water and Sewerage Department (DWSD) has no objection provided there is an easement to insure access to their facilities. Provisions for easement including access are a part of the resolution.

DTE Energy Electric and Gas report involvement, but have no objection provided there is an easement to insure access to their facilities. Provisions for easement including access are a part of the resolution.

All other involved City Departments and privately owned utility companies have reported no objections to the conversion of the public right-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.

The property adjoining the two subject streets is privately owned by four property owners including the petitioner. The Petitioner has sent certified mail with return receipt to the three other owners requesting support for the street closings. The property owner's addresses were obtained through City of Detroit Assessor's records. Two of the mailed notices were returned as undeliverable; and no response was received from the one that was delivered. The Department of Public Works – City Engineering Division is also mailing a copy of our report to council and to the adjoining property owners.

There is an appropriate resolution, containing the necessary conditions, attached for consideration by your Honorable Body.

Respectfully submitted,
RICHARD DOHERTY, P.E.

City Engineer
City Engineering Division—DPW
By Council Member Benson:

Resolved, All that part of East Euclid Avenue, 60 feet wide from Riopelle Street, 46 feet wide to the Grand Trunk Railroad; also part of Hartwick Avenue, variable width, also the dedicated walkways adjoining 4 and 14 feet wide from Clay Avenue, 66 feet wide to Euclid Avenue, 60 feet wide and being more particularly described as:

1) Land in the City of Detroit, Wayne County, Michigan being East Euclid Avenue, 60 feet wide lying northerly of and adjoining the northerly line of Lots 32 through 54, both inclusive and the vacated public alleys adjoining, also lying southerly of and adjoining the southerly line of Lots 1 through 22, both inclusive and the easterly 4.00 feet of Lot 23 and the vacated public alleys adjoining "Guilloz and Whitaker's Subdivision of Lot Number 12, 1/4 Section 58 and part of 1/4 section 43, 10000 Acre Tract Hamtramck Township, Wayne County, Michigan" as recorded in Liber 8, Page 31 of Plats, Wayne County Records.

2) Land in the City of Detroit, Wayne

County, Michigan being Hartwick Avenue, variable width, being Out Lots A, B, C and D; also Lots 15 and 32; also the easterly 6 feet of Lot 14, and the westerly 6 feet of Lot 16, and the westerly 4 feet of Lot 31 and the easterly 14 feet of Lot 33 (Deeded for sidewalk purposes); and the east-west public alley, 18 feet wide adjoining said Lots and parts of Lots including those portions deeded for sidewalk purposes "Julius Stroh, Bernard Stroh Jr. and Edward E. Hartwick's Milwaukee Junction Subdivision of part of Lot 9 and Lots 10 and 11, Quarter Section 58, Ten Thousand Acre Tract, City of Detroit, Wayne County, Michigan, as recorded in Liber 31, Page 74 Plats, Wayne County Records; also Lots 42 and 43 (Deeded for Street purposes) and the east-west alley, 10 feet wide adjoining "Guilloz and Whitaker's Subdivision of Lot Number 12, 1/4 Section 58 and part of 1/4 section 43, 10000 Acre Tract Hamtramck Township, Wayne County, Michigan" as recorded in Liber 8, page 31 of Plats, Wayne County Records.

Be and the same are hereby vacated as a public rights-of-way and converted into private easements for public utilities of the full width of the rights-of-way, which easements shall be subject to the following covenants and agreements, uses, reservations, which shall be observed by the owners of the lots abutting on said rights-of-way 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 street 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 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 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 the way of illustrations 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 of 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 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

Public Lighting Authority (PLA) reports four to five poles and lights within the proposed easement that will need to be removed/relocated. PLA can provide detail estimate of cost if necessary, and be it further

Provided, That if it becomes necessary to remove the paved street returns at the entrance (into Clay Avenue or Riopelle Street) 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.



Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Cushingberry, Jr., Leland, Sheffield, Spivey, Tate and President Jones — 9.
 Nays — None.
 *WAIVER OF RECONSIDERATION (No. 6), per motions before adjournment.

**Department of Public Works
 City Engineering Division**

August 4, 2016

Honorable City Council:
 Re: Petition No. 1129 – Bodywerks, Inc. request an alley extension of Brace Street which is in an industrial area northwest of Fitzpatrick Street, Detroit, MI 48228.

Petition No. 1129 – Bodywerks Inc., request to vacate and convert to easement Brace Avenue, 60 feet wide from Fitzpatrick Avenue, 80 feet wide to the Chesapeake & Ohio Railroad also part of

the northwest-southeast public alley, 20 feet wide, first northeasterly of and parallel to Fitzpatrick Avenue in the block of Brace Avenue, Fitzpatrick Avenue, the Chesapeake & Ohio Railroad and Faust Avenue.

This request is being made to provide security, and Brace Avenue and the subject alley are already physically closed.

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.

Public Lighting Department (PLD) reports are an arc wire in the alley that should be removed. A provision for the required PLD access is included in the resolution. Detroit Water and Sewerage Department (DWSD) has no objection to the conversion to easement. The specific