

Adopted as follows:

Yeas — Council Members Ayers Benson, Leland, Castaneda-Lopez, Sheffield, Spivey, Tate, and President Pro Tem Cushingberry, Jr. — 8.

Nays — None.

\*WAIVER OF RECONSIDERATION (No. 19), per motions before adjournment.

#### Permit

Honorable City Council:

To your Committee of the Whole was referred Petition of Signtext, Inc. (#2040) to hang approximately 40 banners around Fort Street and Third to Griswold; Cadillac Square and Bates to Randolph; and Atwater and Riopelle to Chene from August 31, 2017 to October 16, 2017. After consultation with the concerned departments and careful consideration of the request, your Committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,  
SCOTT BENSON  
Chairperson

By Council Member Benson:

Resolved, That subject to the approval of the Department of Public Works, permission be and is hereby granted to Signtext, Inc. (#2040) to hang approximately 40 banners around Fort Street and Third to Griswold; Cadillac Square and Bates to Randolph; and Atwater and Riopelle to Chene from August 31, 2017 to October 16, 2017 for a period not to exceed one year.

Provided, That the banners are erected no earlier than two (2) weeks prior to the event and they are to be removed the day after the event, and further

Provided, That the design, method of installation and location of banners shall not endanger persons using the highway or unduly interfere with the free movement of traffic, and further

Provided, That the banners shall not have displayed thereon any legend or symbol which is intended to be an imitation of or resembles, or which may be mistaken for a traffic control device or which attempts to direct the movement of traffic, and further

Provided, That the banners shall not have displayed thereon any legend or symbol which may be construed to advertise, promote the sale of, or publicize any merchandise or commodity or to be political in nature, and shall not include flashing lights that may be distracting to motorists, and further

Provided, That banners are placed on Public Lighting Department poles as not to cover traffic control devices, and further

Provided, That banners are installed under the rules and regulations of the concerned departments, and further

Provided, That petitioner assumes full

responsibility for installation and removal of the banners, and further

Provided, That such permission is granted with the distinct understanding that petitioner assumes full responsibility for any and all claims, damages or expenses that may arise by reason of the granting of said petition, and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council.

Adopted as follows:

Yeas — Council Members Ayers Benson, Leland, Castaneda-Lopez, Sheffield, Spivey, Tate, and President Pro Tem Cushingberry, Jr. — 8.

Nays — None.

\*WAIVER OF RECONSIDERATION (No. 20), per motions before adjournment.

#### Department of Public Works City Engineering Division

July 26, 2017

Honorable City Council:

Re: Petition No. 678, Pellerito Foods Inc. request permission to vacate streets and alley related to Parcel 528 bounded by Dequindre, Hale St., St. Aubin and Mack.

Petition No. 678, Pellerito Foods Inc. request for outright vacation of part of Hale Street, 50 feet wide from the alley first west of St. Aubin westerly to the dead-end; also all of the remaining east-west and north-south alleys in the block of Scott Street, 50 feet wide, Hale Street, 50 feet wide, St. Aubin Street, 50 feet wide and Dequindre Cut (the alleys were vacated and converted to easements on November 16, 2010 J.C.C. pgs. 2823-2827). The request is also for the vacation and conversion to easement of Hale Street, 50 feet wide from St. Aubin Street, 50 feet wide, to the alley first west of St. Aubin; also the north-south alley, 20 feet wide in the block of Hale Street, Mack Avenue, 50 feet wide, St. Aubin Street, and the Dequindre Cut.

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

The request is being made in order to consolidate property and allow for the expansion of Pellerito Foods.

The request was approved by the solid Waste Division – DPW, and the Traffic Engineering Division – DPW.

The Detroit Water and Sewerage Department (DWSD) reports no objection if the petitioner agrees to relocate the sewers in accordance with the DWSD provisions for relocation at no cost to DWSD. DWSD reports water mains in Hale Street and sewers in the alleys and in Hale Street. The DWSD provisions are a part of the resolution.

The Public Lighting Authority (PLA) reports involvement and the petitioner will

need to contact PLA for the cost of removing their streetlights from the affected area. Provisions for the PLA removal are a part of the resolution.

DTE Energy – Gas Division reports involvement, but no objection provided that an easement is established or the petitioner pays for the cost of abandoning, removing and/or relocating their Gas main line that runs east-west in Hale Street. Provisions for DTE Energy are a part of the attached resolution.

All other city departments including the Public Lighting Department and the Great Lakes Water Authority, also all other utilities report no involvement or no objections to the proposed outright vacation, and vacations with conversion to easements. Provisions for all utility relocations and easement provisions have been made a part of the attached resolution.

Respectfully submitted,  
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division – DPW  
By Council Member Benson:

Resolved, That all of part of Hale Street, 50 feet wide form the alley first west of St. Aubin westerly to the dead-end; also all of the remaining east-west and north-south alleys in the block of Scott Street, 50 feet wide, Hale Street, 50 feet wide, St. Aubin Street, 50 feet wide and Dequindre Cut and further described as: land in the City of Detroit, Wayne County, Michigan being:

1) Hale Street, 50 feet wide, lying northerly of and adjoining the northerly line of Lots 6, 7, 8, and the easterly 23 feet of Lot 5 (deeded for an alley); also lying southerly of and adjoining the southerly line of Lots 9, 10, 11 and the easterly 23 feet of Lot 12 "Subdivision of Lots 18, 19, 20, 21, 22 and the south part of 23 Witherell Farm North of Gratiot Avenue" as recorded in Liber 1, Page 23 of Plats, Wayne County Records; also lying northerly of and adjoining the northerly line of Lots 31 through 35, both inclusive; and lying southerly of adjoining the southerly line of Lots 36 through 40, both inclusive "A. Pulte's Subdivision of Out Lot 35 and the North part of Out Lot 34, St. Aubin Farm" as recorded in Liber 2, page 25 of Plats, Wayne County Records.

2) North-South public alley, 20 feet wide, lying easterly of and adjoining the easterly line of Lots 22 and 31 and the alley between said Lots; also lying westerly of and adjoining the westerly line of Lots 23 through 30, both inclusive "A. Pulte's Subdivision of Out Lot 35 and the North part of Out Lot 34, St. Aubin Farm" as recorded in Liber 2, page 25 of Plats, Wayne County Records.

3) East-West alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 18 through 22, both inclusive

and lying southerly of and adjoining the southerly line of Lots 31 through 55, both inclusive, "A. Pulte's Subdivision of Out Lot 35 and the North part of Out Lot 34, St. Aubin Farm" as recorded in Liber 2, page 25 of Plats, Wayne County Records; also lying northerly of and adjoining the northerly line of Lots 14, 15, 16 and 17 "F. J. B. Crane's Subdivision of Out Lot 17, Witherell Farm" as recorded in Liber 53, Page 345 of Plats, Wayne County Records; and lying southerly of and adjoining the southerly line of Lots 6, 7, 8, and the easterly 23 feet of Lot 5 (deeded for an alley) "Subdivision of Lots 18, 19, 20, 21, 22 and the south part of 23 Witherell Farm North of Gratiot Avenue" as recorded in Liber 1, Page 23 of Plats, Wayne County Records.

4) North-South alley, 20 feet wide, opened by deed for alley purposes on April 13, 1965, J.C.C. pages 798-800, and described therein as the easterly 20 feet of the northerly 91 feet of Lot 15 "F.J.B. Crane's Subdivision of Out Lot 17, Witherell Farm" as recorded in Liber 53, Page 345 of Plats, Wayne County Records.

5) North-South alley, 23 feet wide, opened by deed for alley purposes and being the easterly 23 feet of Lot 5 "Subdivision of Lots 18, 19, 20, 21, 22 and the south part of 23 Witherell Farm North of Gratiot Avenue" as recorded in Liber 1, Page 23 of Plats, Wayne County Records.

Be the same and are hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions:

Provided, That petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies' facilities and city departments services or granting of easements if necessary, and further

Provided, That the petitioner shall design and construct proposed sewers and water mains and to make the connections to the existing public sewers and water mains as required by Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed sewers and water mains, and further

Provided, That the plans for the sewers and water mains shall be prepared by a registered engineer; and further

Provided, That DWSD be and is hereby authorized to review the drawings for the proposed sewers and water mains and to issue permits for the construction of the sewers and water mains; and further

Provided, That the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and

approval of DWSD; and further

Provided, That the entire cost of the proposed sewers and water mains construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, That the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

Provided, That the petitioner shall grant to the City a satisfactory easement for the sewers and water mains, and further

Provided, That the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City, and further

Provided, That the petitioner shall provide DWSD with as-built drawings on the proposed sewers and water mains, and further

Provided, That the petitioner shall provide a one (1) year warranty for the proposed sewers and water mains, and further

Provided, That upon satisfactory completion, the sewers and water mains shall become City property and become part of the City system. And any existing sewers that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City; and further

Provided, That the petitioner make the necessary arrangements with Public Lighting Authority for removal of the streetlights with the cost to be borne by the petitioner, and further

Provided, That the petitioner provides an easement for DTE Energy Gas Division or contact Michael Fedele at (313) 389-7211 (Supervisor) or Laura Forrester at (313) 389-7261 for the estimated cost of their services in abandoning/removing and/or relocating, including the survey, design and drawing of the gas utilities, and further

Provided, That any construction in the public rights-of-way such as removal and construction of new driveways, curbs and sidewalks 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

Be It Also Resolved, that all of Hale Street, 50 feet wide from St. Aubin Street, 50 feet wide to the alley first west of St. Aubin; also the north-south alley, 20 feet wide in the block of Hale Street, Mack Avenue, 50 feet wide, St. Aubin Street, and the Dequindre Cut and being further described as follows:

1) Land in the City of Detroit, Wayne County, Michigan being that part of Hale Street, 50 feet wide, lying southerly of and adjoining the southerly line of Lot 41 and the 20 foot alley lying between Lots 40

and 41; also lying northerly of and adjoining the northerly line of Lot 30 and the 20 foot wide alley lying between Lots 30 and 31 "A. Pulte's Subdivision of Out Lot 35 and the North part of Out Lot 34, St. Aubin Farm" as recorded in Liber 2, page 25 of Plats, Wayne County Records.

2) Land in the City of Detroit, Wayne County, Michigan being the North-South alley, 20 feet wide, lying westerly of and adjoining the westerly line of Lots 41 through 45, both inclusive, and lying easterly of and adjoining the easterly line of Lot 40 and the alley northerly of said Lot 40 "A. Pulte's Subdivision of Out Lot 35 and the North part of Out Lot 34, St. Aubin Farm" as recorded in Liber 2, page 25 of Plats, Wayne County Records; also lying westerly of and adjoining the westerly line of Lots 1 and 2; also lying easterly of Lot 3 "Subdivision of the South part of Out Lot 38, St. Aubin Farm" as recorded in Liber 60, Page 277 of Deeds, Wayne County Records; also lying easterly of and adjoining the easterly line of the North 34 feet of the West 150 feet of Out Lot 35 "Plat of the Subdivision of P.C.s 14 & 587 as surveyed by J. Mullett June 1847 for Basile St. Aubin" as recorded in Liber 31, Page 91 Deeds, Wayne County Records.

Be and the same are hereby vacated as a public rights-of-way and converted into a private easement for public utilities, 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 rights-of-way 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 rights-of-way 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 rights-of-way 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

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, includ-

ing 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

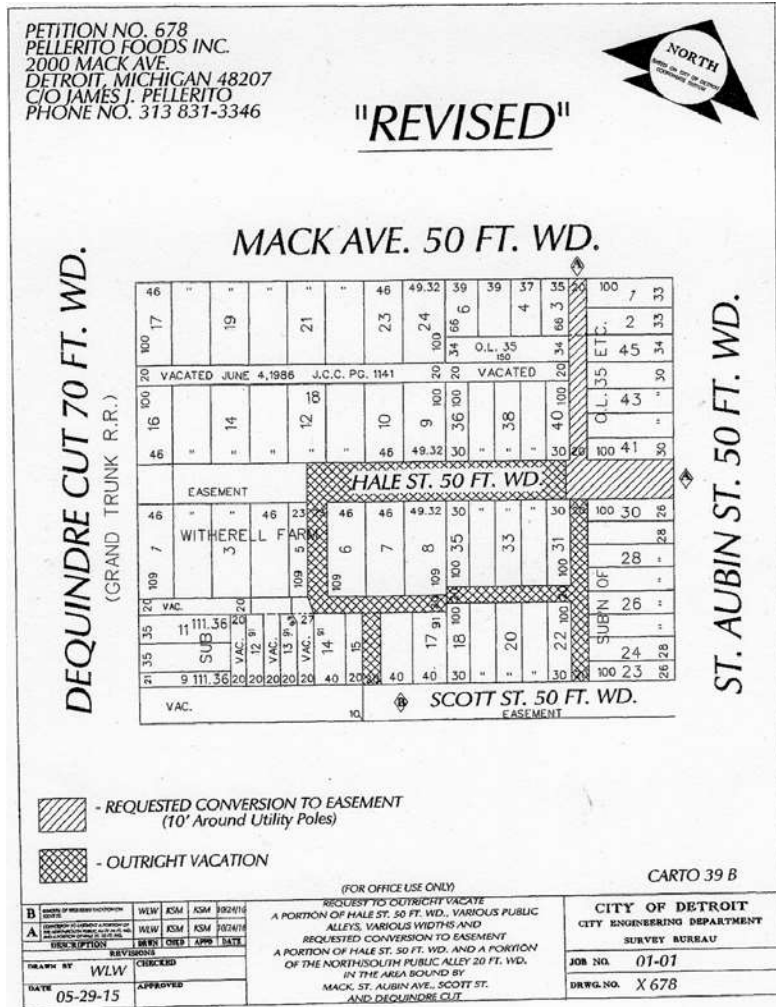
Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

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 at any time in the future, the owners of any lots abutting on said vacated right-of-way 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 any work in the public right-of-way such as 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, Leland, Castaneda-Lopez, Sheffield, Spivey, Tate, and President Pro Tem Cushingberry, Jr. — 8.  
Nays — None.

**Department of Public Works  
City Engineering Division**

July 28, 2017

Honorable City Council:  
Re: Petition No. 1202 — 248 E. Baltimore LLC, request an easement to vacate the city owned alley on the South side of Baltimore Street between John R and Brush Streets, Detroit, MI 48202 as well as current dedicated alley.  
Petition No. 1202 — E. Baltimore LLC, request to vacate and convert to easement

all remaining alleys in the Block of John R Street, 60 feet wide, Brush Street, 60 feet wide, Baltimore Avenue, 60 feet wide, and Grand Trunk Railroad right-of-way. The request was revised to vacate and convert to easement part of the east-west alley lying westerly of the north-south alley in the above said block.

This request is being made to consolidate properties and for a new housing development.

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) and