

Adopted as follows:

Yeas — Council Members Ayers, Benson, Leland, Castaneda-Lopez, Tate, and President Jones — 6.

Nays — None.

\*WAIVER OF RECONSIDERATION (No. 46), per motions before adjournment.

**Department of Public Works  
City Engineering Division**

July 11, 2017

Honorable City Council:

Re: Petition No. 1406 — Dykema Gossett PLLC, request to vacate an approximate 300 foot portion of Barnes Street.

Petition No. 1406 – Dykema Gossett PLLC, on behalf of Honeywell International Inc. request to vacate and convert to easement Barnes Street, 45 feet wide, from West End Avenue, 25 feet wide, easterly to dead-end.

This request is being made to consolidate the Honeywell properties for future redevelopment.

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.

The Public Lighting Authority (PLA) reports involvement and estimates that \$718.75 would be the cost for removal of their services. A provision for PLA is included in the 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.

All involved City Departments, including the Public Lighting Department, 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.

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 that part of Barnes Street, 45 feet wide, from West End Avenue, 25 feet wide, easterly to dead-end and being more particularly described as: Land in the City of Detroit, Wayne County, Michigan, being part of Barnes Street, 45 feet wide, lying within the following boundary: Beginning at the southwest corner of Lot 31 “Jacob and Nicol’s Subdivision of part of P.C. 718 lying South of West Jefferson Ave.” as recorded in Liber 29, Page 91 of Plats,

Wayne County Records; thence N58°32’ 41”E 306.00 feet along the southerly line of Lots 31 through 42 and the northerly line of Barnes Street as recorded in said “Jacob and Nicol’s Subdivision”; thence S27°00’19”E 45.14 feet along the easterly line of said “Jacob and Nicol’s Subdivision”; thence S58°32’41”W 304.25 feet along the southerly line of said “Jacob and Nicol’s Subdivision”; thence N29°13’ 19”W 45.03 feet along the westerly line of said “Jacob and Nicol’s Subdivision” to the southwest corner of Lot 31 of said “Jacob and Nicol’s Subdivision” and the Point of Beginning, containing 0.32 acres of land more or less.

Be and the same is hereby vacated as a public street and converted into a private easement for public utilities, 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 street 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 street 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 street 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 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 street 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 the petitioner maintain Fire Department vehicle access to all buildings and structures in case of fire or other emergencies, and further

Provided, the the owner make the necessary arrangements with the Public Lighting Authority (PLA) for the removal of their facilities at an estimated cost of \$718.75; and for more information contact Mohamed Abbas, Project Manager for PLA at (313) 324-8290, 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

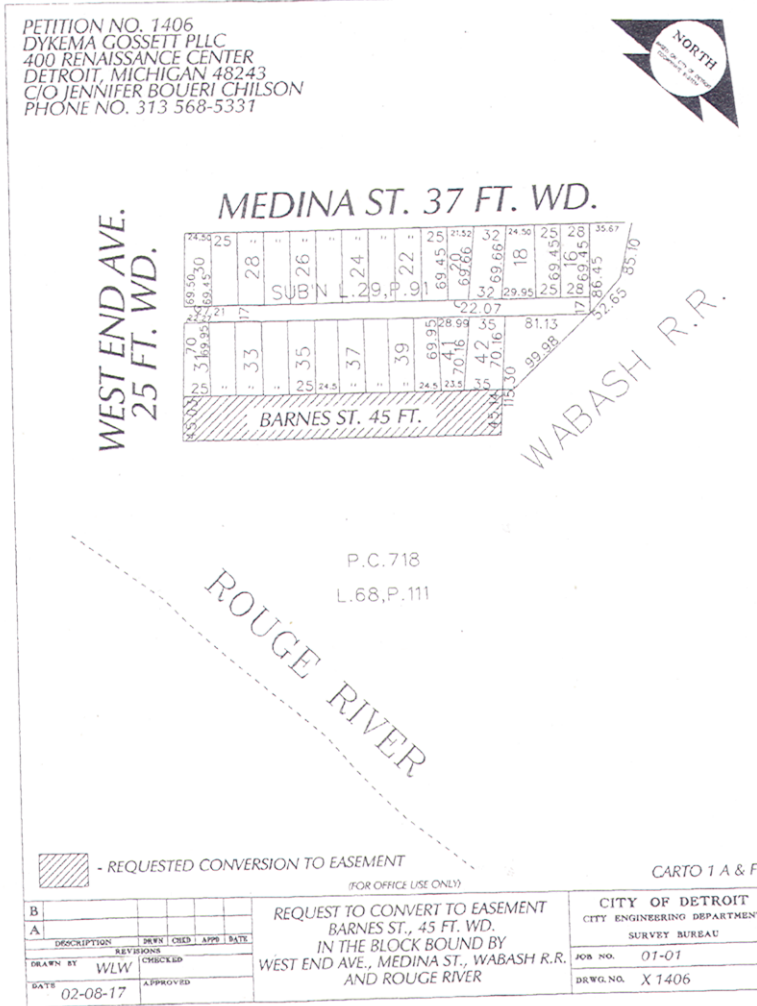
Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points of deflection; and be it further

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 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), that 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, Leland, Sheffield, Spivey, Tate and President Jones — 8  
 Nays — None.

**Department of Public Works  
 City Engineering Division**

July 14, 2017

Honorable City Council:  
 Re: Petition No. 1402 — Jones Lang LaSalle, request to obtain an encroachment permit to assist in managing the placement of a temporary market space constructed of storage containers within the Dequindre Cut, south of Wilkins Street and north of Division Street.  
 Petition No. 1402 – Jones Lang LaSalle on behalf of Detroit Riverfront Con-

servancy (DRFC) request to install and maintain an encroachment consisting of temporary market space constructed of storage containers within the Dequindre Cut in the area of Division Street, 50 feet wide, Wilkins Street, 50 feet wide, Orleans Street, 40 feet wide and St. Aubin Street, 50 feet wide.

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

The request is being made to provide a place for activities in the Dequindre Cut including entertainment and retail with food and beverages.

The Dequindre Cut Greenway was established as a public right-of-way under the jurisdiction of the Department of Public Works (DPW), and was approved by your Honorable Body on November 17,