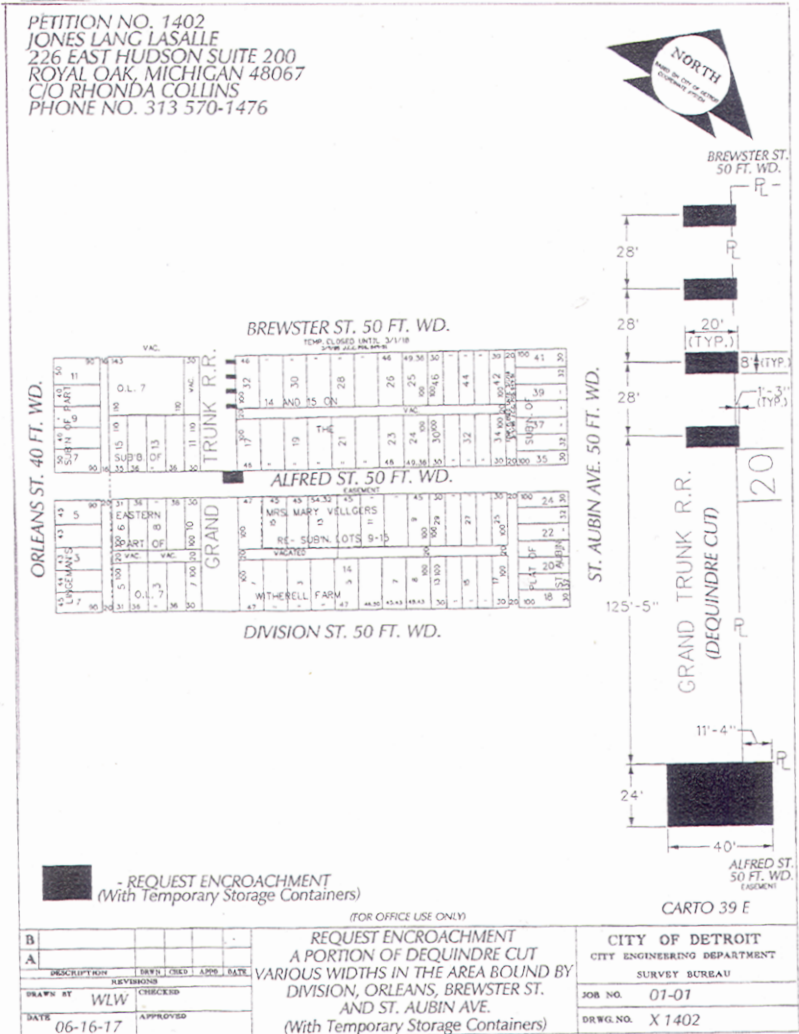


Council, and Detroit Riverfront Conservancy acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permits shall not be assigned or transferred

without the written approval of the City Council; 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**  
 May 2, 2017

Honorable City Council:  
 Re: Petition No. 241 — Faygo Beverages Inc. request to renew the vacation

(Temporary Closure) of Superior Street due to the location of their docks which creates a high volume of traffic located at 3579 Gratiot Avenue.

Petition No. 241 — Faygo Beverages Inc., request to temporary close and later amended to vacate and convert to easement the westerly 508 feet of Superior Street, 50 feet wide and Gratiot Avenue, 120 feet wide.

The request is being made because a long standing temporary closure has expired. Faygo Beverages Inc. had approval by your Honorable Body to close a portion of Superior Street. The petition 3897 approved on February 5, 1986 allowed the temporary closure. The closure is still needed because of the high volume of truck traffic and the loading docks in the area.

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 (TED), TED has certain conditions that have been made a part of the resolution.

All involved City Departments, including the Public Lighting Department, the Public Lighting Authority and privately owned utility companies have reported no objections to the conversion of the 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, P.E.

City Engineer

City Engineering Division — DPW  
By Council Member Benson:

Resolved, That all that part of Superior Avenue, 50 feet wide, lying southerly of and adjoining the southerly line of Lots 37 through 44, both inclusive, and the public alley, 18 feet wide, adjoining said Lots 43 and 44, also lying northerly of and adjoining the northerly line of Lots 31, 32, 33, 34 and 36 and the public alley adjoining said Lots 31 and 36, "Harriet L. Haworth's Subdivision of the North Part of Out Lots 1 & 2 P.C. 182, Maurice Moran Farm, Detroit, Wayne County Mich." as recorded in Liber 8, Page 63 of Plats, Wayne County Records; Also lying northerly of and adjoining the northerly line of Lots 34, 35, 36 and 37 "Plat of the Subdivision of part of Out Lot 1 of the Subdivision of P.C. 182" as recorded in Liber 9, Page 95 of Plats, Wayne County Records; Also, part of Superior Street opened by Circuit Court being part of Lot 1 "Subdivision of that part of the rear concession of Private Claim No. 182 N.W. of Gratiot Road P.N. known as Mary Dowlings Subdivision" as recorded in Liber 2, Page 10 of Plats, Wayne County Records; Also, part of Superior Street, 50 feet wide, opened by Circuit Court being a part of Lot 19 "Subdivision of the Leib Farm between

River and Rear lines of P.CIs." as recorded in Liber 45, Pages 664-667 of Deeds, Wayne County Records; and all of the above portions of Superior Street, 50 feet wide, being more particularly described as follows: Beginning at the southwesterly corner of said Lot 44, "Harriet L. Haworth's Subdivision of the North Part of Out Lots 1 & 2 P.C. 182, Maurice Moran Farm, Detroit, Wayne County Mich." as recorded in Liber 8, Page 63 of Plats, Wayne County Records; thence N64°E along the northerly line of Superior Street, 508.00 feet; thence S26°E 50.00 feet to the southerly line of Superior Street, thence S64°W along the southerly line of Superior Street, 508.00 feet to the easterly line of Moran Avenue, 50 feet wide; thence N26°W 50.00 feet to the Point of Beginning. The bearings used in the above description are the record bearings from "Harriet L. Haworth's Subdivision of the North Part of Out Lots 1 & 2 P.C. 182, Maurice Moran Farm, Detroit, Wayne County Mich." as recorded in Liber 8, Page 63 of Plats, Wayne County Records.

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

Provided, That a 40 foot by 60 foot turn around shall be provided for vehicles turning onto Superior Street from Gratiot Avenue so as to avoid a dead-end situation to those vehicles; and that any turn around area is subject to the approval by the Department of Public Works — Traffic Engineering Division, 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 easements 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 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 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.