

_____) and February 25, 2014 (J.C.C. pages 216-223), for the removal of dangerous structures at various locations, be and the same are hereby amended for the purpose of deferring the removal orders for a dangerous structures, only, at 18945 St. Mary's, 5949 Cecil, 1476 Chicago, 1633 Merrick and 9101 Burt Road, for a period of six (6) months, in accordance with the five (5) foregoing communications.

Adopted as follows:

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

Nays — None.

**Department of Public Works
City Engineering Division**

September 7, 2018

Honorable City Council:

Re: Petition No. 393 The Kevin Miller Group, request to partially close alley located between 17020 and 17040 East 8 Mile Rd.

Petition No. 393 by The Kevin Miller Group request to vacate and convert to easement the north part of the north-south public alley, 20 feet wide, in the block of Carlisle Drive, 60 feet wide, East Eight Mile Road, 204 feet wide, Cushing Avenue, 86 feet wide and Kelly Road, 204 feet wide.

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

The request is being made for commercial development and land parcel combination.

The request was approved by the Solid Waste Division-DPW, and Traffic Engineering Division-DPW, and City Engineering-DPW.

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.

DTE Energy — electric reports involvement and access must be maintained to their facilities. Provisions for DTE Energy access are included in 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.

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 of the north part of the north-south public alley, 20 feet wide, in the block of Carlisle Drive, 60 feet wide,

East Eight Mile Road, 204 feet wide, Cushing Avenue, 86 feet wide and Kelly Road, 204 feet wide, and further described as: land in the City of Detroit, Wayne County, Michigan, being the public alley, 20 feet wide, lying westerly of and adjoining the westerly line of Lots 96 through 101, both inclusive, and lying easterly of and adjoining the easterly line of Lots 103, 104, and 105 Temes Superhighway Subdivision of fractional Section 5, T1S., R.13E. City of Detroit, Wayne County, Michigan" as recorded in Liber 61, Page 72 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public right-of-way and converted into a private easement for public utilities of the full width of the right-of-way, 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 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 alley 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 alley in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth.

Second, Said utility easement or right-of-way in and over said vacated alley 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 (except necessary line fences), 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 alley 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 DTE Energy-electric has access to their equipment at all times for maintenance and restoration to insure the reliability of electric service to the area, and be it further

Provided, That an easement, the full width of the existing right-of-way, is reserved for the DTE Electric Company (DTE) for the purpose of installing, maintaining, repairing, removing, or replacing any overhead and underground utilities facilities which may consist of underground tunnels, underground vaults, pipelines, poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories (collectively DTE facilities) 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 DTE Facilities within the easement is reserved for DTE equipment, including the use of backhoes, bulldozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the DTE Facilities; 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 fences, 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 DTE; and be it further

Provided, That if any time in the future, the owners of any lots abutting on said vacated alley 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 pro-

vided that if any DTE Facilities 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 DTE Facilities, and shall also be liable for all claims for damages resulting from his/her actions; and be it 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, bulldozers, 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 alley 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 if it becomes necessary to remove the paved alley return at the entrance (into East Eight Mile Road) such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engi-

neering 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, McCalister, Jr., Sheffield, Spivey, Tate, and President Jones — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

September 6, 2018

Honorable City Council:

Re: Petition No. 283 — SME, request for encroachment into the existing 50 foot wide public utility easement for the proposed building at 4255 Dequindre.

Petition No. 283 — SME on behalf of Wolverine Cold Storage Facility request for encroachments with stairwells, a concrete ramp, storm sewer roof leads, fire and domestic water service leads, a sanitary lead and a grease trap lead in Orleans Street (now an easement) 50 feet wide between Superior Street (vacated) 50 feet wide, and Canfield Avenue, 60 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 as part of project that will be a new building for Wolverine Cold Storage. This facility is being built in the Forest Park Rehabilitation Project No. 2 where a public sewer easement was created in vacated Orleans Street to service Pepsi Cola Bottling plant and future development projects. The resolution granting the easement was approved by your Honorable Body on July 11, 1990 and is recorded in J.C.C. pages 1563-65.

The request was approved by the Solid Waste Division — DPW, and City Engineering Division — DPW, and Traffic Engineering Division — DPW (TED).

Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all 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, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to SME, or Wolverine Cold Storage Company or their assigns to install and maintain encroachments with stair wells, a concrete ramp, storm sewer roof leads, fire and domestic water service leads, a sanitary lead, and a grease trap lead in Orleans Street (now an easement having been vacated by City Council on November 22, 1989 — J.C.C. pages 2682-86) 50 feet wide between Superior Street (vacated) 50 feet wide, and Canfield Avenue, 60 feet wide, further described as: Land in the City of Detroit, Wayne County, Michigan, being that part of Orleans Street (now vacated and reserved as a public sewer easement by City Council July 11, 1990 — J.C.C. pgs. 1563-65) being the westerly half of vacated Orleans Street (50 feet wide) adjoining Lot 8, vacated Willis Avenue (50 feet wide), and Lot 25, the vacated public alley (16 feet wide) and Lots 40 through 46, both inclusive; also the easterly half of vacated Orleans Street (50 feet wide) adjoining Lot 9, vacated Willis Avenue (50 feet wide), and Lot 24, the vacated public alley (16 feet wide) and Lots 47 through 53, both inclusive, all in "Stoepel's Subdivision of the South Quarter of Out Lot 3 and part of Lot 8 of the Subdivision of Out Lot 4 of the Dequindre Farm" as recorded in Liber 8 page 77 of Plats, Wayne County Records; also all that part of vacated Orleans Street (50 feet wide) having been opened and extended (on May 19, 1900) as confirmed by Recorders Court and Accepted by Common Council (May 22, 1900 — J.C.C. p. 381) through a part of Out Lot 3 of the "Plat of a Subdivision of Lot 4, Dequindre Farm" as recorded in Liber 41 of Deeds, Page 518, Wayne County Records; above said encroachments further described as:

1) The 4 stairwells: 1st stairwell being 5 feet by 8 feet lying easterly of and adjoining the westerly line of said vacated Orleans Street beginning 18 feet southerly of the southerly line of Canfield Avenue, 60 feet wide and ending 26 feet southerly of the southerly line of Canfield Avenue and extending 5 feet into vacated Orleans Street. 2nd stairwell being 5 feet by 8 feet lying easterly of and adjoining the westerly line of said vacated Orleans Street beginning 60 feet southerly of the southerly line of Canfield Avenue, 60 feet wide and ending 68 feet southerly of the southerly line of Canfield Avenue and extending 5 feet into vacated Orleans Street. 3rd stairwell being 5 feet by 11 feet lying easterly of and adjoining the westerly line of said vacated Orleans Street beginning 278 feet southerly of the southerly line of Canfield Avenue, 60 feet wide and ending 283 feet southerly of the southerly line of Canfield Street and extending 11 feet into