

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 having facilities in the subject streets. Provisions for DTE to have unimpeded access to maintain their facilities 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 rights-of-way into private easements 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 Pleasant Avenue, 50 feet wide, from Dix Avenue, 66 feet wide to Old Oakwood, 83 feet wide; also Fordson Avenue, 60 feet wide, from Pleasant Avenue to Wabash Railroad, 50 feet wide. All of the above being land in the City of Detroit, Wayne County, Michigan described as:

1) Pleasant Avenue, 50 feet wide, lying northerly of and adjoining the northerly line of Lots 26, 110, 185, and 216 and vacated Fordson Avenue adjoining said Lots 110 and 185 and vacated alley adjoining said Lots 185 and 216 and vacated alley adjoining said Lots 26 and 110, and including triangular portion adjoining easterly line of said Lot 26 and Old Oakwood; also lying southerly of and adjoining the southerly line of Lots 107, 111, 184, 217 and vacated Rouge Avenue lying between Lot 27 and Lot 107 and vacated alley adjoining said Lots 107 and 111, and Fordson adjoining Lots 111 land 184, and vacated alley adjoining said Lots 184 and 217 all platted in "G. W. Zanger Dix Avenue Subdivision of Part of P.C.'s 37 & 667, City of Detroit, Wayne Co. Mich." as recorded in Liber 58, Page 25 of Wayne County Records; and bounded by the northerly line of Old Oakwood and the southerly line of Dix Avenue.

2) Fordson Avenue, 60 feet wide, lying easterly of and adjoining the easterly line of Lots 148 through 184, both inclusive, and the vacated alley adjoining said lot 148 and Wabash Railroad right-of-way; also, lying westerly of and adjoining the westerly line of Lots 111 through 147, both inclusive, and the vacated alley adjoining said lot 147 and Wabash Railroad right-of-way, all platted in "G. W. Zanger Dix Avenue Subdivision of Part of P.C.'s 37 & 667, City of Detroit, Wayne Co. Mich." as recorded in Liber 58, Page 25 of Wayne County Records.

Be and the same are hereby vacated

as a public rights-of-way and converted into a private easements for public utilities of the full width of the rights-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 right-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 right-of-way 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 (except necessary line fences), 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 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, structures, fire hydrants, and fire department connections, and further

Provided, That an easement, the full width of the existing right-of-way is reserved for 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 vaults, pipelines, poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers, and accessories (collectively DTE facilities) with the right of ingress/egress at any time to, and over said easement for the purpose above set forth, and further

Provided, That free and easy access (i.e. gated access with DTE locks at all ends of the easement) to the DTE facilities and within the easement is reserved for DTE 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 facilities, and further

Provided, Said owners of the adjoining property for themselves, 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 changes or storage of materials, shall be made within said easement without prior written approval of DTE, 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

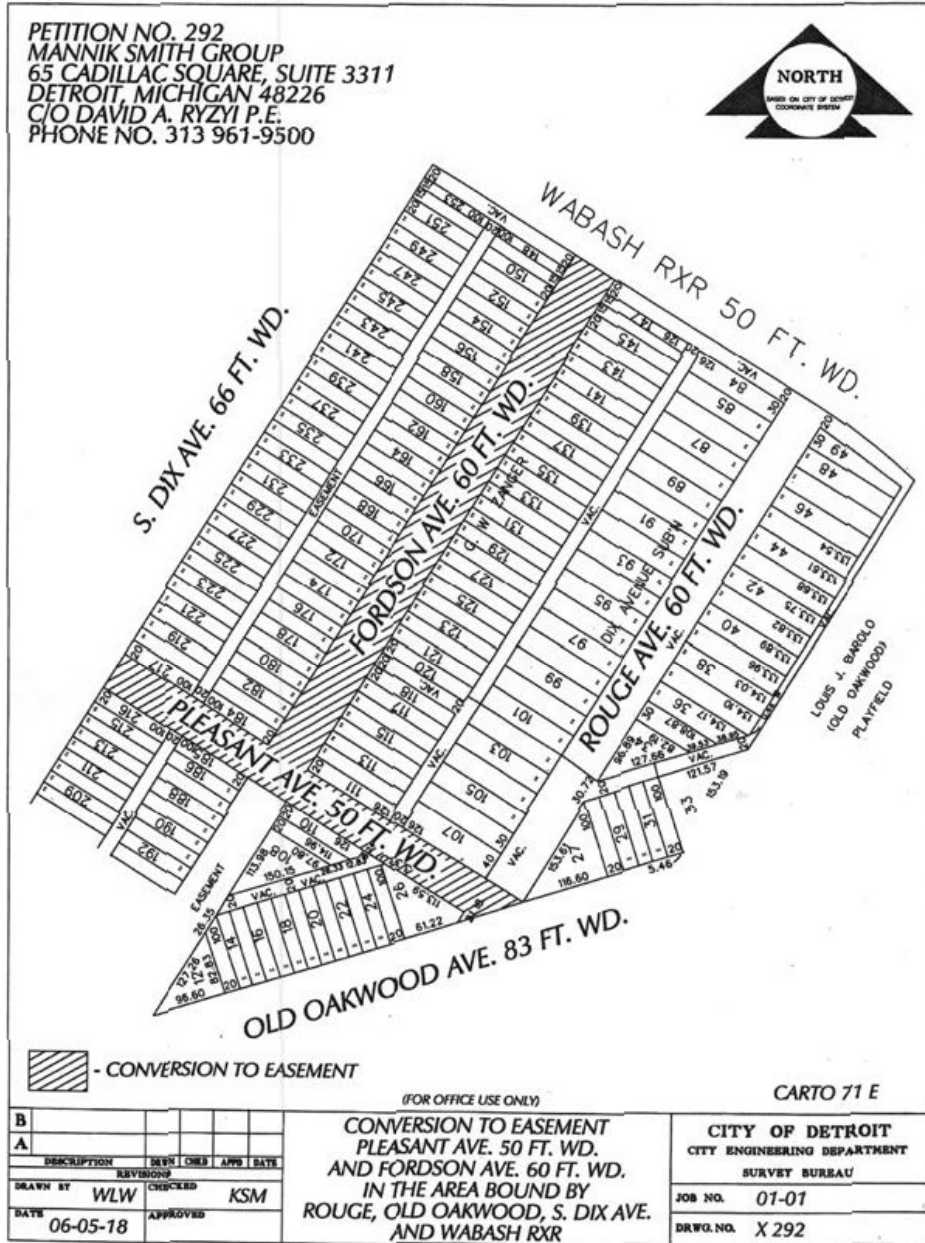
Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

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 street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident 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 incident 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 any of the paved street return at the entrance (into Dix Avenue) 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, Leland, Castaneda-Lopez, Sheffield, Tate, and President Jones — 7.
 Nays — None.

**Department of Public Works
 City Engineering Division**

February 27, 2019

Honorable City Council:
 Re: Petition No. 498 — Cass Willis LLC, request to dedicate a Public Easement on property located at 4201 Cass and 402-422 Willis.

Petition No. 498 — Cass Willis LLC, request to dedicate a public access easement, 6 feet wide, on the northerly part of the existing easement portion of Willis Avenue, formerly 100 feet wide, now 60 feet wide; and lying westerly of Cass

Avenue, 80 feet wide, and lying easterly of the north-south public alley, 20 feet wide, first west of Cass Avenue.

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

Your Honorable Body narrowed some streets by vacating strips of land on July 21, 2015 (Petition No. 381) in J.C.C. pages 1310-1312. On Willis Avenue near Cass Avenue a strip 21 feet wide was vacated. There was supposed to still be 10 feet for pedestrian travel in back of the curb, but this location already had angle parking allowed in back of the curb. The petition to grant the City a pedestrian access easement will resolve the issue of allowing the existing parking while still maintaining a safe pedestrian sidewalk.