

Adopted as follows:
 Yeas — Council Members Ayers, Benson, Leland, McCalister, Jr., Spivey, Tate, and President Pro Tem Sheffield — 7.
 Nays — None.

**Department of Public Works
 City Engineering Division**
 May 7, 2019

Honorable City Council:
 Re: Petition No. 533 — 7300 Woodward LLC, request to vacate a public alley and convert it to a utility easement.
 Petition No. 533 — 7300 Woodward LLC request to vacate and convert to easement the north-south alley, 20 feet wide, and the east-west alley, 15 feet wide, both in the block of East Grand Boulevard, 150 feet wide, Horton Avenue,

60 feet wide, Woodward Avenue, 100 feet wide, and John R. Street, 60 feet wide.

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, 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 reports having services in the area. A provision to maintain access to DTE facilities is 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 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-south alley, 20 feet wide, and the east-west alley, 15 feet wide, both in the block of East Grand Boulevard, 150 feet wide, Horton Avenue, 60 feet wide, Woodward Avenue, 100 feet wide, and John R. Street, 60 feet wide; Further described as land in the City of Detroit, Wayne County, Michigan being:

1) The north-south alley, 20 feet wide, opened by acceptance of a deed by the City of Detroit on November 26, 1912 and being: The westerly 20.00 feet of Lot 2 "Plat of Bagg's Subdivision of part of Lot 1 in Quarter Section 57, 10,000 Acre Tract T.1S., R.12E. Hamtramck Township, Wayne County, Michigan" as recorded in Liber 8, Page 57 of Plats, Wayne County Records.

2) The east-west alley, 15 feet wide, lying northerly of and adjoining the northerly line of Lots 3 through 9, both inclusive, and the westerly 11.8 feet of Lot 10 "Atkinson's Subdivision of South part of Lot 1 of the Subdivision of Quarter Section 57 Ten Thousand Acre Tract, Township of Hamtramck, Wayne County, Michigan" as recorded in Liber 7, Page 33 of Plats, Wayne County Records; also lying southerly of and adjoining the southerly line of Lots 2 through 13, both inclusive, and the westerly 1.8 feet of Lot 14 (Vacated John R. Street) "Plat of Bagg's Subdivision of part of Lot 1 in Quarter Section 57, 10,000 Acre Tract T.1S., R.12E. Hamtramck Township, Wayne County, Michigan" as recorded in Liber 8, Page 57 of Plats, 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 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 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 alleys 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 alleys 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 or gates), 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 alleys 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 property owners maintain DTE Energy full access to their facilities at all times (i.e. gated access with DTE locks at all ends of the easement) and that free and easy access to the DTE facilities 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 DTE facilities, and further

Provided, That an easement, the full width of the existing rights-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 alleys 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 the paved alley returns at the entrances (into Horton Avenue, and/or John R. Street) 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

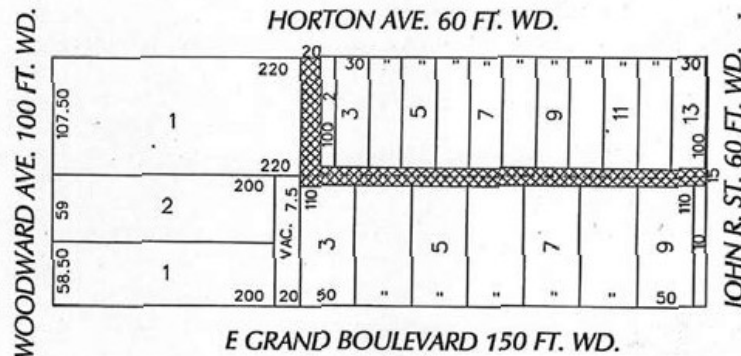
Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and be it also

Resolved, That the Planning and Development Director is hereby authorized to issue a quitclaim deed to transfer the following described parcel of land for fair market value and/or other valuable consideration:

The westerly 20.00 feet of Lot 2 "Plat of Bagg's Subdivision of part of Lot 1 in Quarter Section 57, 10,000 Acre Tract T.1S., R.12E. Hamtramck Township, Wayne County, Michigan" as recorded in Liber 8, Page 57 of Plats, Wayne County Records.

PETITION NO. 533
 7300 WOODWARD LLC,
 C/O GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O MICHAEL MARKS P.E.
 PHONE NO. 313 962-4442

REVISION-A-



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 31 A

B				CONVERSION TO EASEMENT				CITY OF DETROIT			
A				THE NORTH/SOUTH PUBLIC ALLEY, 20 FT.WD AND				CITY ENGINEERING DEPARTMENT			
DRAWING FROM OUTRIGHT				SA	KSM	KSM	02/04/19	SURVEY BUREAU			
VACATION TO AN EASEMENT				DESCRIPTION	REVISED	APPD	DATE	JOB NO. 01-01			
DRAWN BY SA				CHECKED KSM				DRWG. NO. X 533			
DATE 10-29-18				APPROVED							

Adopted as follows:
 Yeas — Council Members Ayers,
 Benson, Leland, McCalister, Jr., Spivey,
 Tate, and President Pro Tem Sheffield — 7.
 Nays — None.

Department of Public Works
City Engineering Division

May 6, 2019

Honorable City Council:
 Re: Petition No. 1537 — Cezar Properties
 request to vacate an alley located at
 17425 Sherwood, south and west
 adjacent to Lots 40 through 47 Davison
 Park Sub. L53 P64.

Petition No. 1537 — Cezar Properties
 request to vacate and convert to ease-
 ment the north-south alley, 20 feet wide,
 and the east-west alley, 20 feet wide, first
 south of East Davison Avenue, and the

east-west alley, 20 feet wide, first north of
 Brimson Avenue. All of the alleys in the
 block of Brimson Avenue, 70 feet wide,
 East Davison Avenue, 70 feet wide, New
 York Central Railroad, and Sherwood
 Avenue, 70 feet wide.

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

The request is being made to provide
 security for the business at 17425 Sher-
 wood Avenue.

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

Detroit Water and Sewerage Depart-
 ment (DWSD) has no objection to the
 conversion to easement. The specific