

Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Spivey, Tate and President Pro Tem Sheffield — 8.
 Nays — None.
 *WAIVER OF RECONSIDERATION (No. 20) Per motions before adjournment.

**Department of Public Works
 City Engineering Division**

May 20, 2019

Honorable City Council:
 Re: Petition No. 574 — Joan McGowan request to vacate Pierson Avenue abutting property located at 20745 Glendale.

Petition No. 574 — Joan McGowan request to vacate and convert to easement Pierson Avenue, 50 feet wide, from

Glendale Avenue, 50 feet wide, South 199 feet to where Pierson Avenue ends.

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.

The Detroit Fire Department (DFD) approves provided access is maintained to any buildings and fire department connections. A provision for DFD access 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 (Pierson Avenue) 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 Pierson Avenue, 50 feet wide, from Glendale Avenue, 50 feet wide, South 199 feet to where Pierson Avenue ends; Further described as land in the City of Detroit, Wayne County, Michigan being:

All that part of Pierson Avenue, 50 feet wide, lying easterly of and adjoining the easterly line of Lots 43 through 48, both inclusive, also lying westerly of and adjoining the westerly line of Lots 49 through 54, both inclusive "Oakmoor Little Farms, a subdivision of part of the S.W. 1/4 of Section 27, T.1S, R.10 E. City of Detroit, Wayne County, Michigan" as recorded in Liber 63, Page 82 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 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 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 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 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 (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 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, 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 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

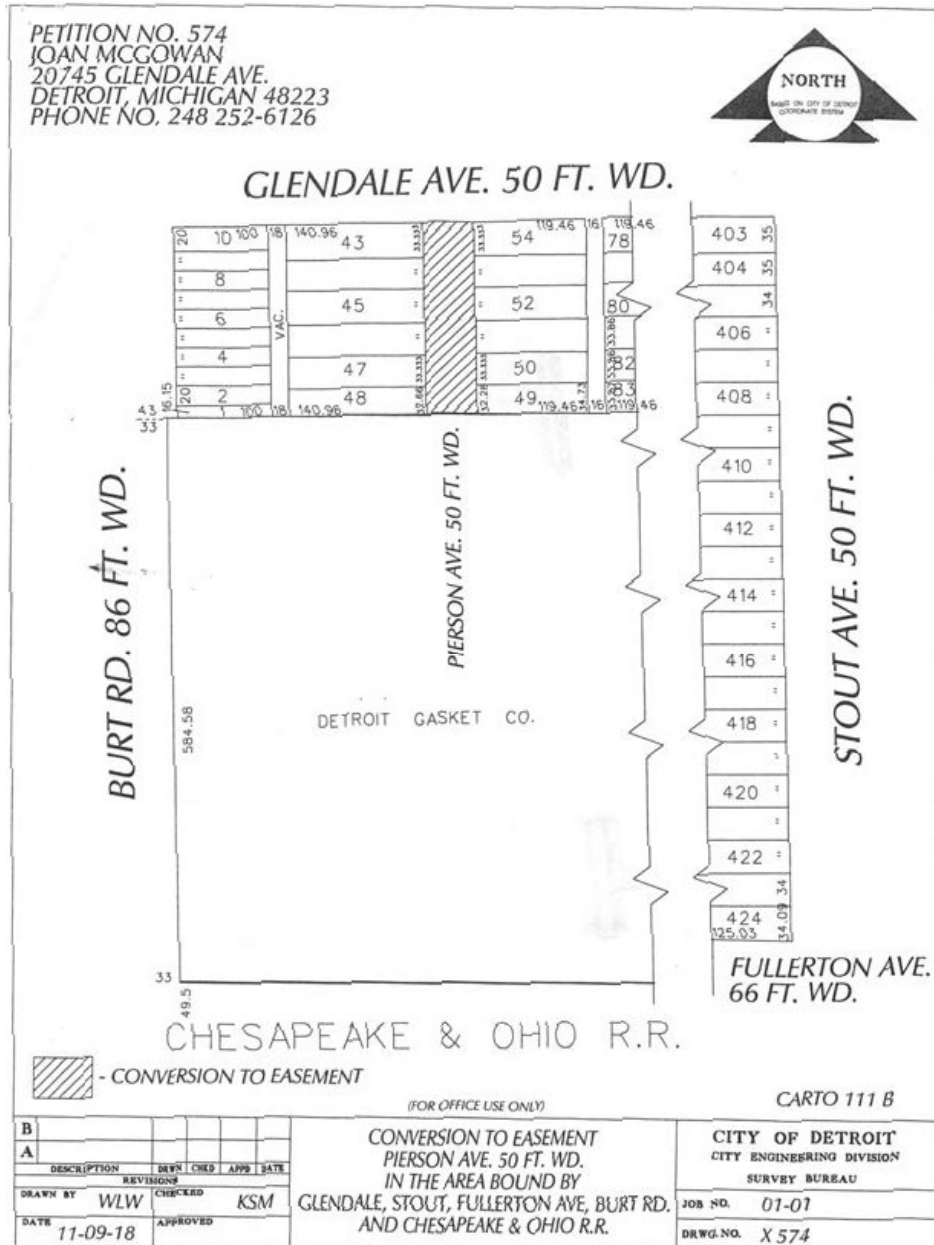
heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with 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 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 the paved street return at the entrance (into Glendale 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, Castaneda-Lopez, Leland, McCalister, Jr., Spivey, Tate and President Pro Tem Sheffield — 8.
 Nays — None.

NEW BUSINESS
Permit

Honorable City Council:

To your Committee of the Whole was referred Petition of Community Health and Social Services (#651), request to hold "CHASS Mexicantown 5k Race/Walk and Children's Race" in Southwest Detroit 5635 W. Fort Street on July 20, 2019. Set-up July 20, 2019 at 8 a.m. - 9 a.m., tear down at end of event. Various street closures. After consultation with the Mayor's Office and all other City Departments, and careful consideration of the request, your Committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,
 JANEY AYERS
 Chairperson

By Council Member Ayers:

Resolved, That permission be and hereby is granted to Petition of Community Health and Social Services (#651), request to hold "CHASS Mexicantown 5k Race/Walk and Children's Race" in Southwest Detroit 5635 W. Fort Street on July 20, 2019. Set-up July 20, 2019 at 8 a.m. - 9 a.m., tear down at end of event. Various street closures, and further

Provided, That such permission is granted with the distinct understanding that petitioner assumes full responsibility for any and all claims, damages or expenses that may arise by reason of the granting of said petitioner, and further

Provided, That said activity is conducted under the rules and regulations of the concerned departments and the supervision of the Police Department, and in compliance with applicable ordinances, and further

Provided, That the Buildings and Safety Engineering Department is hereby authorized to waive the zoning restrictions on said property during the period of the event, and further

Provided, That the required permits be secured should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Health Department, and further

Provided, That the petitioner secures a temporary use of land permit which will include the erection of any mechanical devices and electrical work is required prior to opening the facility to the public, and further

Provided, That if tents are to be used,

the petitioner shall comply with all sections of Fire Marshal Division Memorandum #3.2 regarding "Use of Tents for Public Assembly" and further

Provided, That the site be returned to its original condition after said activity, and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Spivey, Tate, and President Pro Tem Sheffield — 8.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 21), per motions before adjournment.

Permit

Honorable City Council:

To your Committee of the Whole was referred Petition of Trivium Racing (#665), request to host "Growler Gallop 10 Mile and 5k" at Atwater Brewery and surrounding streets, on September 29, 2019 at 4:00 p.m. - 6:45 p.m. Set-up to begin September 29, 2019 at 9 a.m. - 2:00 p.m. Tear down September 29, 2019, with various street closures. After consultation with the Mayor's Office and all other City Departments, and careful consideration of the request, your Committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,
 JANEY AYERS
 Chairperson

By Council Member Ayers:

Resolved, That permission be and hereby is granted to Petition of Trivium Racing (#665), request to host "Growler Gallop 10 Mile and 5k" at Atwater Brewery and surrounding streets, on September 29, 2019 at 4:00 p.m. - 6:45 p.m. Set-up to begin September 29, 2019 at 9 a.m. - 2:00 p.m. Tear down September 29, 2019, with various street closures, and further

Provided, That such permission is granted with the distinct understanding that petitioner assumes full responsibility for any and all claims, damages or expenses that may arise by reason of the granting of said petitioner, and further

Provided, That said activity is conducted under the rules and regulations of the concerned departments and the supervision of the Police Department, and in compliance with applicable ordinances, and further

Provided, That the Buildings and Safety Engineering Department is hereby authorized to waive the zoning restrictions on said property during the period of the event, and further

Provided, That the required permits be secured should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further