

Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**

November 6, 2019

Honorable City Council:
 Re: Petition No. 595 — GPC Adams, LLC request for a series of vacations and encroachments into the rights-of-way within the Block bounded by Elizabeth Street, Woodward Avenue, Adams Avenue and Park Avenue.

Petition No. 595 — Giffels Webster on behalf of GPC Adams, LLC request to outright vacate the south 10 feet of Eliza-

beth Street, 60 feet wide, from Woodward Avenue, 120 feet wide, westerly for 220.4 feet toward Park Avenue, 60 feet wide; also to encroach with the building, above grade, in the north 5 feet of the east-west alley, 20 feet wide in the block of Adams Avenue, 60 feet wide, Elizabeth Street, 60 feet wide, Park Avenue, 60 feet wide, and Woodward Avenue, 120 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 as a part of the GPC Adams, LLC Headquarters project.

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

for pedestrian traffic required by TED are a part of the resolution. Planning and Development Department (PDD) reports that a portion of the site is within the Grand Circus Park Historic District, which will require review and approval by PDD/HDC staff for work done on the exterior of the building. A provision for PDD/HDC approval is a part of the resolution.

Detroit Water and Sewerage Department (DWSD) has no objection to the outright vacation of the public right-of-way, and the encroachments. The specific DWSD provisions for encroachments and vacations are included in the resolution.

All other involved City Departments, and privately owned utility companies have reported no objections to the outright vacation of the public right-of-way, and the encroachments. 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 the south 10 feet of Elizabeth Street, 60 feet wide, from Woodward Avenue, 120 feet wide, westerly for 220.4 feet toward Park Avenue, 60 feet wide; Further described as land in the City of Detroit, Wayne County, Michigan being:

The south 10.00 feet of Elizabeth Street, 60 feet wide, lying northerly of and adjoining the northerly line of Lots 4, 26, 25 and 24 "Plat of Park Lots 84, 85 and 86 as subdivided May 7, 1835 'Sibley's Field' by A.E. Hathon" as recorded in Liber 7, Page 27 of Deeds, Wayne County Records.

Be and the same is hereby vacated (outright) as public right-of-way to become part and parcel of the abutting property, subject to the following provisions:

Provided that a pedestrian easement the full length of the vacation be maintained from grade to ten (10) feet above grade except for the support columns extending 5 feet into Elizabeth Street.

Provided, That the remaining sidewalk width shall provide for a minimum of 6 feet clear unobstructed sidewalk and shall meet minimum ADA requirements; and be it further

Provided, That petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services or granting of private easements for specific utility companies, if necessary, and further

Provided, That the petitioner receives approval by Planning and Development

Department and the Historic District Commission for the design, color and appearance of the exterior of the building to maintain consistency with the Grand Circus Park Historic District, and further

Provided, That the petitioner shall design and construct proposed sewers and or water mains, and to make the connections to the existing public sewers and or water mains, as required by Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed sewers and or water mains, and further

Provided, That the plans for the sewers and or water mains, shall be prepared by a registered engineer; and further

Provided, That DWSD be and is hereby authorized to review the drawings for the proposed sewers and or water mains; and to issue permits for the construction of the sewers and or water mains; and further

Provided, That the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

Provided, That the entire cost of the proposed sewers and or water mains, construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, That the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

Provided, That the petitioner shall grant to the City a satisfactory easement for the sewers and or water mains, and further

Provided, That the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City, and further

Provided, That the petitioner shall provide a one (1) year warranty for the proposed sewers and or water mains, and further

Provided, That upon satisfactory completion, the sewers and or water mains, shall become City property and become part of the City system. And any existing sewers and or water mains that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City; and further

Provided, That any construction in the public rights-of-way such as curbs and sidewalks 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 be it also

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to GPC Adams, LLC or their

assigns to install and maintain encroachments with a building. The encroachments are above grade and within the north 5 feet of the east-west alley, 20 feet wide in the block of Adams Avenue, 60 feet wide, Elizabeth Street, 60 feet wide, Park Avenue, 60 feet wide, and Woodward Avenue, 120 feet wide. Encroachments are further described as follows:

1) Building encroachment being 5 feet in width and 51.00 feet in length and beginning 40 feet above grade and extending to 300 feet above grade, lying southerly of and adjoining the southerly line of Lot 26 and the east 11.00 feet of Lot 25 "Plat of Park Lots 84, 85 and 86 as subdivided May 7th, 1835 'Sibley's Field' by A.E. Hathon" as recorded in Liber 7, Page 27 of Deeds, Wayne County Records.

2) Building encroachment being 5 feet in width and 69.00 feet in length and beginning 15 feet above grade and extending to 300 feet above grade, lying southerly of and adjoining the southerly line of Lot 24 and the west 29.00 feet of Lot 25 "Plat of Park Lots 84, 85 and 86 as subdivided May 7, 1835 'Sibley's Field' by A.E. Hathon" as recorded in Liber 7, Page 27 of Deeds, Wayne County Records.

Provided, That if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

Provided, That access is maintained to all fire department connections, and be it further

Provided, That by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection caused by the encroachment shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the right-of-way, shall be borne by DWSD; and be it further

Provided, That all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours' notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and be it further

Provided, That construction under this petition is subject to inspection and approval by DWSD forces. The cost of

such inspection shall, at the discretion of DWSD, be borne by the petitioner; and be it further

Provided, That if DWSD facilities located within the right-of-way shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

Provided, That the petitioner shall hold DWSD harmless for any damages to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

Provided, GPC Adams, LLC or their assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division — DPW prior to any public right-of-way construction; and further

Provided, That the necessary permits shall be obtained from the City Engineering Division — DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by GPC Adams, LLC or their assigns, and further

Provided, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by GPC Adams, LLC or their assigns. Should damages to utilities occur GPC Adams, LLC or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW; and further

Provided, That GPC Adams, LLC or their assigns shall file with the Department of Public Works - City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by rea-

son of the issuance of the permits and the faithful or unfaithful performance of GPC Adams, LLC or their assigns of the terms thereof. Further, GPC Adams, LLC or their assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed encroachments; and further

Provided, That filing of said indemnity agreement shall be construed as acceptance of this Resolution by the "permittee"; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by GPC Adams, LLC, or their assigns; and further

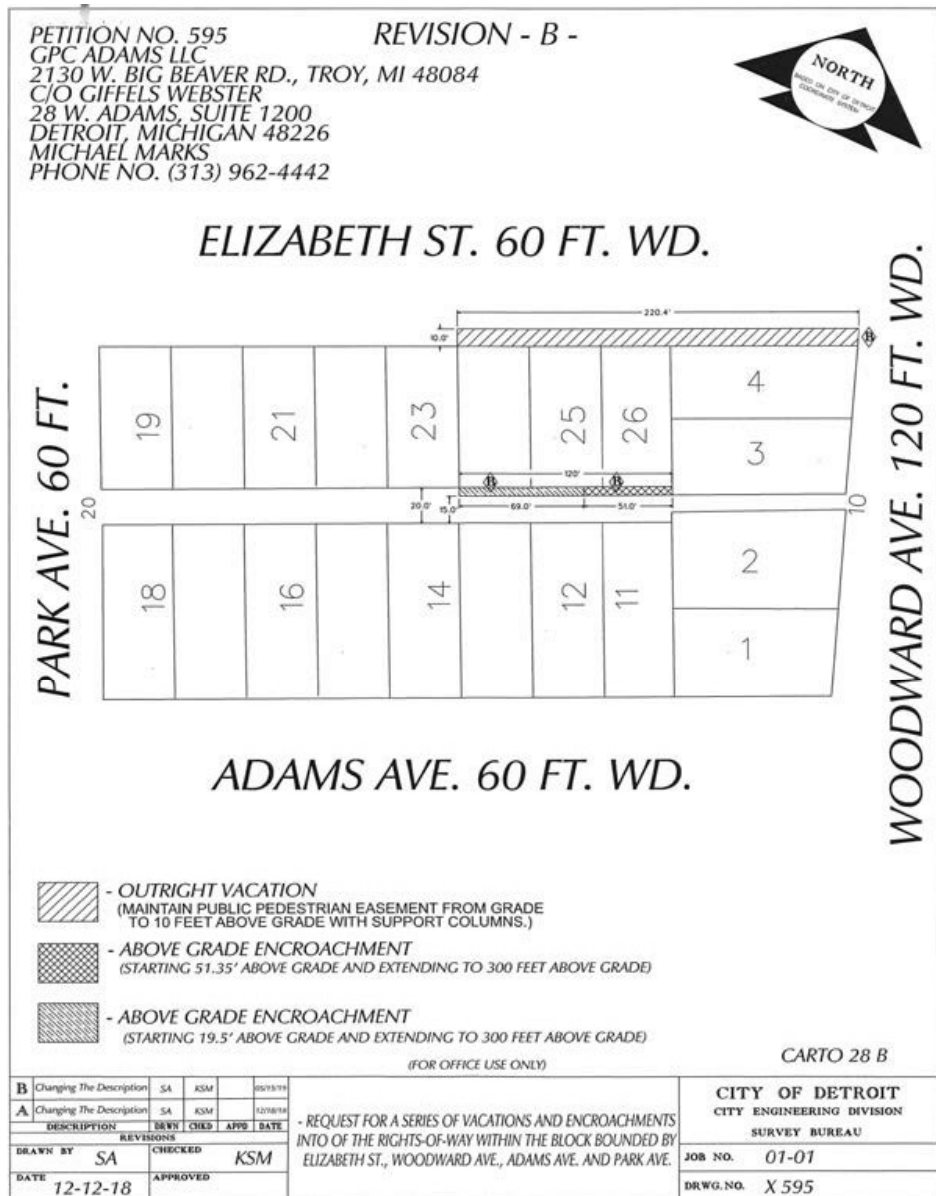
Provided, That construction of the

encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

Provided, This resolution or part thereof is revocable at the will, whim or caprice of the City Council, and GPC Adams, LLC 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 be it 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., Sheffield, Spivey, Tate and President Jones — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**

November 6, 2019

Honorable City Council:

Re: Petition No. 1043 — Trinity Investments Limited LLC requests to vacate Townsend Avenue between Medbury Avenue and Hendrie Avenue.

Petition No. 1043 — Trinity Investments Limited LLC requests to vacate and convert to easement Townsend Avenue, 60 feet wide, from Medbury Avenue, 60 feet wide, to Hendrie Avenue (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.

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 Townsend Avenue, 60 feet wide, from Medbury Avenue, 60 feet wide, to Hendrie Avenue (60 feet wide); Further described as land in the City of Detroit, Wayne County, Michigan being:

All that part of Townsend Avenue, 60 feet wide, lying easterly of and adjoining the easterly line of Lots 340 through 349, both inclusive, also lying westerly of and adjoining the westerly line of Lots 541 through 550, both inclusive “William Tait’s subdivision of part of the Church Farm (P.C.16) North of Gratiot Avenue, City of Detroit, Wayne County, Michigan” as recorded in Liber 16, Page 87 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