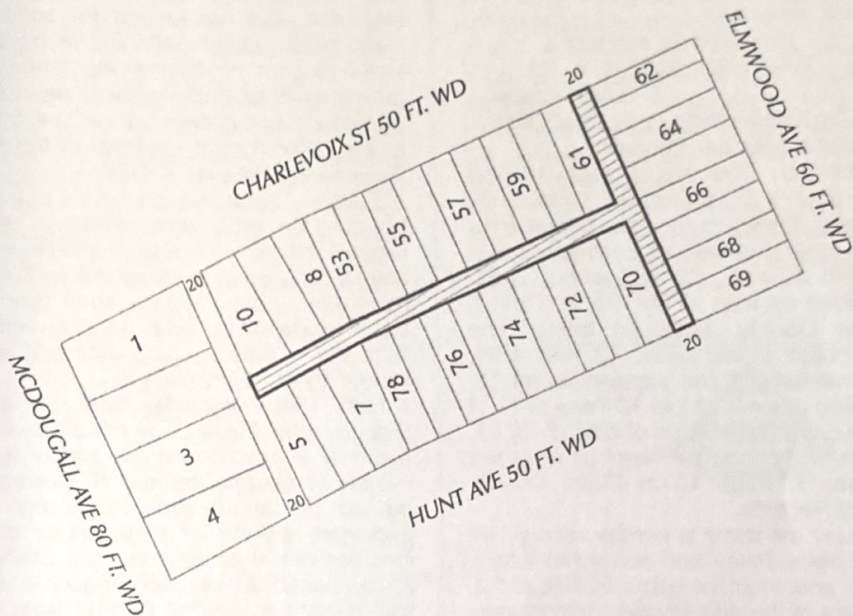


PETITION NO.1356
Katrina Watkins
Vacate to Easement



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 36 F

B					
A					
DESCRIPTION	DRAWN	CHEK	APPD	DATE	
REVISIONS					
DRAWN BY	KJ		CHECKED		
DATE	10-06-20		APPROVED BY	JD	

CONVERSION TO EASEMENT OF PUBLIC ALLEY IN THE BLOCK BOUND BY ELMWOOD AVE, HUNT AVE, MCDUGALL AVE, AND CHARLEVOIX ST.

CITY OF DETROIT	
CITY ENGINEERING DIVISION	
SURVEY BUREAU	
JOB NO.	01-01
DRAWG. NO.	X

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
 December 21, 2020

Honorable City Council:
 Re: Petition No. 1357 — Arthur Rushin request to vacate and convert to easement the public alley bounded by Garfield Avenue, Elmwood Avenue, McDougall Avenue, and Canfield Avenue.
 Petition No. 1357 — Arthur Rushin

request to vacate and convert to easement the public alley 18 feet wide, bounded by Garfield Avenue, 60 feet wide, Elmwood Avenue, 40 feet wide, McDougall Avenue, 80 feet wide, and Canfield 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 is being made to remove an inactive alley from the City road network.

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

vacation and conversion to utility easement provided certain provisions are met. The DWSD provisions are a part of the attached resolution.

All other involved City Departments, and privately owned utility companies have reported no objections to the vacation and conversion to utility easement of the alley. 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, The public alley 18 feet wide, bounded by Garfield Avenue, 60 feet wide, Elmwood Avenue, 40 feet wide, McDougall Avenue, 80 feet wide, and Canfield Avenue, 60 feet wide, further described as land in the City of Detroit, Wayne County, Michigan being: The north-south public alley, 18 feet wide, lying westerly of and adjacent to lot 12, and lying easterly of lots 13 through 17 of "Block 64 of Subdivision of Blocks 48, 61, 62, and 64 McDougall Farm" as recorded in Liber 5, Page 40 of Plats, Wayne County Records.

Be and the same is hereby vacated as 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 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 right-of-way in the City of Detroit, with the right to ingress and egress at any time and over said easement 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, 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 property owners maintain for 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 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 the 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 said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further


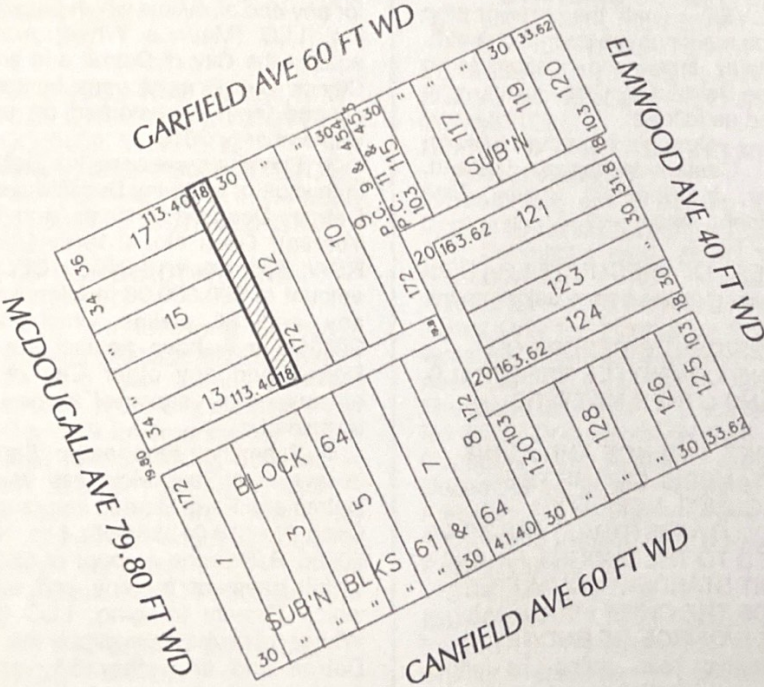
Provided, That if any time in the future, the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, 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 the 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 such removal and construction of the new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specification with all costs borne by the abutting owner(s), their heirs 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.

PETITION NO. 1357
Arthur Rushin
Vacation to Easement

MCDUGALL AVE 79.80 FT WD
GARFIELD AVE 60 FT WD
ELMWOOD AVE 40 FT WD
CANFIELD AVE 60 FT WD

 - VACATION TO EASEMENT

(FOR OFFICE USE ONLY) CARTO 40 F

B						VACATION TO EASEMENT PUBLIC ALLEY IN THE BLOCK BOUND BY MCDUGALL AVE, GARFIELD AVE, ELMWOOD AVE, AND CANFIELD AVE.	CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU
A	DESCRIPTION	ISSUED	CHANGED	APPROV	DATE		JOB NO. 01-01
	DRAWN BY KJ	CHECKED					DEVS. NO. X XXXX
	DATE 10-27-20	APPROVED BY JD					

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

A RESOLUTION CONTINUING THE CITY OF DETROIT IMMIGRATION TASK FORCE

BY Council Member Castaneda-Lopez:
 WHEREAS, The Immigration Task Force was created in January 2014; and
 WHEREAS, The Immigration Task Force continues its focus on creating a more diverse, inclusive, global city; working to improve quality of life in current and future immigrant communities in Detroit; advocating on behalf of all immigrant communities by expanding and developing upon local ordinances; and promoting engagement through civic, economic, and cultural initiatives; NOW THEREFORE BE IT

RESOLVED, That the Detroit City Council hereby extends the Immigration Task Force until December 2021; and BE IT FURTHER

RESOLVED, That the Immigration Task Force will be chaired by Council Member Raquel Castaneda-Lopez; and BE IT FURTHER

RESOLVED, That the Immigration Task Force meetings are open to the public; with dates, times, and locations to be noticed the Detroit City Clerk.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 13), per motions before adjournment.

PRESIDENT'S REPORT ON STANDING COMMITTEE REFERRALS AND OTHER MATTERS

BUDGET, FINANCE AND AUDIT STANDING COMMITTEE

By ALL COUNCIL MEMBERS:

THE FOLLOWING ITEM(S) ARE TO BE REFERRED TO THE BUDGET, FINANCE AND AUDIT STANDING COMMITTEE:

OFFICE OF THE CHIEF FINANCIAL OFFICER/OFFICE OF BUDGET

1. Submitting reso. autho. To authorize emergency actions and appropriations to administer Coronavirus Disease 2019 (COVID-19) vaccines. (**Approval of request to authorize emergency actions and appropriations to administer Coronavirus Disease 2019 Vaccines**)

MISCELLANEOUS

2. Council Member Castaneda-Lopez submitting memorandum relative to Capital Agenda Amendments.

3. Council President Brenda Jones

submitting memorandum relative to Capital Agenda Questions and Concerns.

Adopted as follows:

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

INTERNAL OPERATIONS STANDING COMMITTEE

By ALL COUNCIL MEMBERS:
 THE FOLLOWING ITEM(S) ARE TO BE REFERRED TO THE INTERNAL OPERATIONS STANDING COMMITTEE:

LAW DEPARTMENT

1. Submitting memorandum relative to Response to the November 6, 2020 Memo's Counterclaim Question (in re Contract 6002958). (**The Law Department, having submitted the attached memorandum, dated January 7, 2021, in response to Council Member Castaneda-Lopez's Supplemental Memorandum regarding Contract 6002958, recommends that this item be received and filed.**)

2. Submitting reso. autho. Settlement in lawsuit of Gravity Imaging, LLC (Maurice White) vs. City of Detroit; Case No. 20-154224-GC; File No. L20-00029 (PH) in the amount of \$8,500.00 in full payment for any and all claims which Gravity Imaging, LLC (Maurice White) may have against the City of Detroit and any other City of Detroit employees by reason of alleged injuries sustained on or about September 6, 2018.

3. Submitting reso. autho. Settlement in lawsuit of Matthew Scofield vs. City of Detroit, Deandre Williams and Reuben Yesrael; Case No. 2:19-cv-10039-AC-RSW; File No. L18-00760 CBO in the amount of \$90,000.00 in full payment for any and all claims which Matthew Scofield may have against the City of Detroit and any other City of Detroit employees by reason of alleged injuries sustained.

4. Submitting reso. autho. Settlement in lawsuit of Izell McInness vs. City of Detroit and Farm Bureau Insurance of MI; Case No. 18-013884-NI; File No. L19-00005 RJB in the amount of \$60,000.00 in full payment for any and all claims which Gravity Imaging, LLC (Maurice White) may have against the City of Detroit and any other City of Detroit employees by reason of alleged injuries sustained on or about August 12, 2014 and June 10, 2016.

5. Submitting reso. autho. Rescission of resolution approved November 24, 2020 and Settlement in lawsuit of Natasha Steele vs. City of Detroit, Municipal Parking; File No. 14985 (PSB) in the amount of \$24,900.00 in full payment for any and all claims which Natasha Steele may have against the City of Detroit by