

for any and all claims, damages or expenses that may arise by reason of the granting of said petition, 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 and President Jones — 7.

Nays — None.

Council Member Tate returned to his seat.

**Department of Public Works
City Engineering Division**

February 19, 2021

Honorable City Council:

Re: Petition No. 1359 — Hamilton Corridor, LLC request to vacate various streets and alleys located between 175 and Thompson Street, bounded by Ford Street and W. Grand Street.

Petition No. 1359 — Hamilton Corridor, LLC request to vacate various streets and alleys located between 175 and Thompson Street, 62.38 ft. wide, bounded by Ford Street, 50 ft. wide, and W Grand Street, 50 ft. 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 part of a new develop resting on the City of Detroit and City of Highland Park city limits. The part being vacated on the City of Detroit side will serve as parking and water retention for the development.

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 vacation of various street and alleys located between 175 and Thompson Street, 62.38 ft. wide, bounded by Ford Street, 50 ft. wide, and

W. Grand Street, 50 ft. wide, further described as land in the City of Detroit, Wayne County, Michigan being:

1. Ford Avenue, 50 ft. wide, lying southerly of and abutting lots 25 through 40 and lying northerly of and abutting lots 41 through 56 of "R Oakmans Ford Avenue Subdivision" as recorded in Liber 29, Page 33 of Plats, Wayne County Records.

2. Pasadena Avenue, 50 ft. wide, lying southerly of and abutting lots 33 through 44 and lying northerly of and abutting lots 45 through 53 of "R Oakmans Pasadena Avenue Subdivision" as recorded in Liber 29, Page 30 of Plats, Wayne County Records.

3. Grand Avenue, 50 ft. wide, lying southerly of and abutting lots 38 through 42 and northerly of and abutting lots 43 through 46 of "R Oakman Grand Avenue Subdivision" as recorded in Liber 29, Page 35 of Plats, Wayne County Records.

4. The east-west public alley, 18 ft. wide, lying southerly of and abutting lots 41 through 55 of "R Oakmans Ford Avenue Subdivision" as recorded in Liber 29, Page 33 of Plats, Wayne County Records; and lying northerly of and abutting lots 33 through 44 of "R Oakmans Pasadena Avenue Subdivision" as recorded in Liber 29, Page 30 of Plats, Wayne County Records.

5. The east-west public alley, 18 ft. wide, lying southerly of and abutting lots 45 through 53 of "R Oakmans Pasadena Avenue Subdivision" as recorded in Liber 29, Page 30 of Plats, Wayne County Records; and lying northerly of and abutting lots 38 through 42 of "R Oakmans Grand Avenue Subdivision" as recorded in Liber 29, Page 35 of Plats, Wayne County Records.

6. The east-west public alley, 9 ft. wide, lying southerly of and abutting lots 43 through 44 of "R Oakmans Grand Avenue Subdivision" as recorded in Liber 29, Page 35 of Plats, Wayne County Records.

7. The north-south public alley, 16 ft. wide, lying westerly of and abutting lot 25 of "R Oakmans Ford Avenue Subdivision" as recorded in Liber 29, Page 33 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 restore the easement surface 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

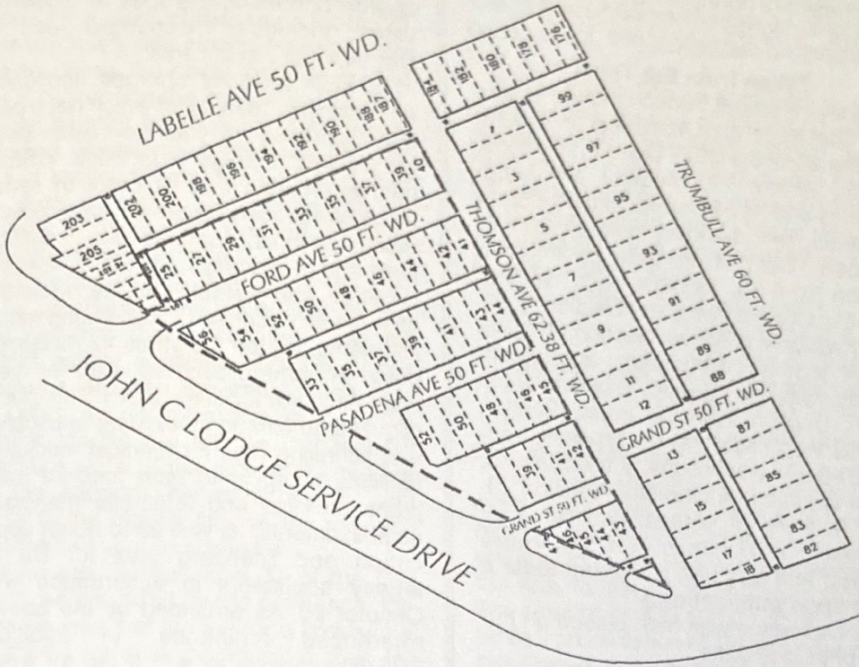
Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon said easement without prior written approval and agreement with the Detroit Water 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 incidental 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 incidental 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 the petitioner shall remove all vacated street and alley approaches and connect the public sidewalks across vacated streets; 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. 1359



- VACATION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 34 D

B					
A	ICIP FOR THURSDAY	KJ	JD	10-06-20	
DESCRIPTION		DRAWN	CHECK	APPRO	DATE
DRAWN BY		REVISIONS			
DATE		APPROVED BY			
07-30-20		JD			

VACATION TO EASEMENT FOR CONSTRUCTION IN THE AREA BOUND BY THE JOHN C SERIVE DRIVE, LABELLE AVE, AND THOMSON AVE.

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

Adopted as follows:
Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Spivey, Tate and President Jones — 8.
Nays — None.

Council Member Sheffield entered and took her seat.

NEW BUSINESS

Taken from the Table

Council Member late moved to take from the table an Ordinance to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by amending Article XVII, Zoning District Maps, Section 50-17-60, District Map No. 58, to revise the existing R2 (Two-Family Residential District) Zoning classification to the M2 (Restricted Industrial District) zoning classification the properties generally located west of Thomson Street between Ford Street to

the north and John C. Lodge Service Drive to the south, including the following addresses: 1505 Ford Street, 1511 Ford Street, 1517 Ford Street the easterly 15 feet of 1523 Ford Street, 1502 Pasadena Street, 1503 Pasadena Street, 1509 Pasadena Street, 1514 Pasadena Street, 1515 Pasadena Street, the easterly 15 feet of 1518 Pasadena Street, the easterly 15 feet of 1521 Pasadena Street, 1500 Grand Street, 1503 Grand Street, 1508 Grand Street, 1514 Grand Street and the easterly 15 feet of 1520 Grand Street. **(Six (6) votes required and shall become effective on the eighth (8th) day after publication.)**

The Ordinance was then placed on the order of third reading.
THIRD READING OF ORDINANCE.
The title to the Ordinance was read a third time.
The Ordinance was then read.
The question being "Shall this Ordinance Now Pass?"