

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**

February 19, 2021
 Honorable City Council:
 Re: Petition No. 1370 — Fort Street Real Estate request to vacate the east-west alley lying north of W. Fort Street and west of Govin Street, also that part of Govin Street north of Fort Street.

Petition No. 1359 — Fort Street Real Estate request to vacate the east-west alley, 20 ft. wide, lying north of W. Fort Street, 100 ft. wide, and west of Govin Street, 50 ft. wide, also that part of Govin Street north of Fort Street.

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 on the north side of W. Fort Street at 8050 W Fort Street.

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 the east-west alley, 20 ft. wide, lying north of W. Fort Street, 100 ft. wide, and west of Govin Street, 50 ft. wide, also that part of Govin Street north of Fort Street, further described as land in the City of Detroit, Wayne County, Michigan being:

1. East-west public alley, 20 ft. wide, lying northerly of and abutting lots 37 through 42 and lying southerly of lots 1 through 7 of "Blackmars Subdivision" as recorded in Liber 11, Page 20 of Plats, Wayne County Records; also lying northerly of and abutting lots 1 through 10 and lying southerly of and abutting lots 11 through 17 of "Welch Bros Happy Home Subdivision" as recorded in Liber 24, Page 100 of Plats, Wayne County Records, also lying northerly of and abutting lot 1 through 3 and lying southerly of and abutting lots 55 through 57 of "Moore's Subdivision" as recorded in Liber 20, Page 46 of Plats, Wayne County Records.

2. Govin Street, 50 ft. wide, lying easterly of and abutting lots 1 and 42 "Blackmars Subdivision" as recorded in Liber 11, Page 20 of Plats, Wayne County Records; and lying westerly of and abutting lot 10 and 11 of "Sage's Subdivision" as recorded in Liber 9, Page 77 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 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

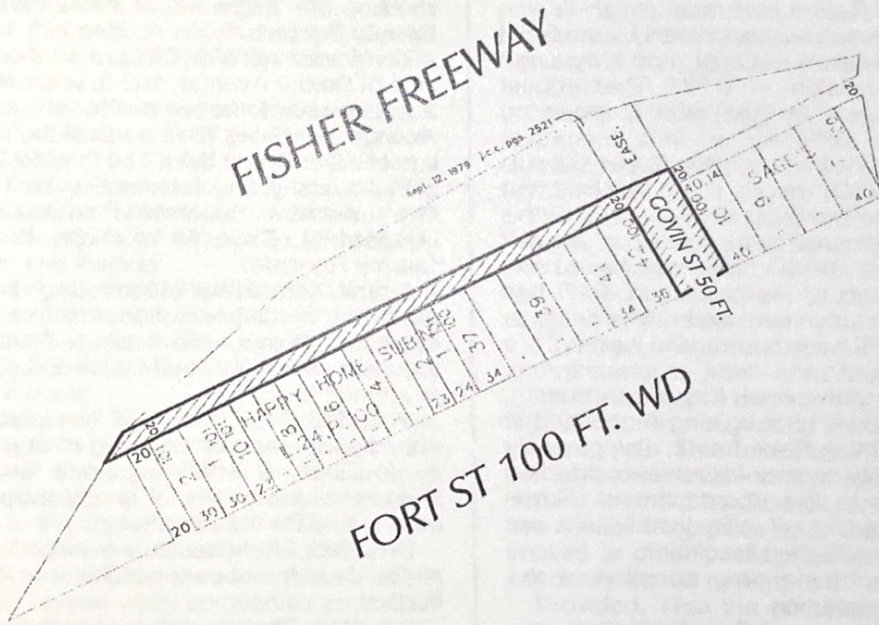
entrances such removal and construction of the new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specification with all costs borne by the abutting owner(s), their heirs or assigns; and Further

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. 1370



SPRINGWELLS AVE 66 FT. WD



- VACATION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 4 F

B				
A				
DESCRIPTION	DRAWN	CHECKED	APPROVED	DATE
	REVISIONS			
DRAWN BY	CHECKED			
DATE	APPROVED BY			
10-05-20	JD			

VACATION OF FULL WIDTH OF GOVIN ST, ALONG WITH CONNECTING ALLEY, IN THE BLOCK BOUND BY FORT ST, SPRINGWELLS AVE, AND THE FISHER FREEWAY

CITY OF DETROIT	
CITY ENGINEERING DIVISION	
SURVEY BUREAU	
JOB NO.	01-01
DRWL. 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**

February 19, 2021

Honorable City Council:

Re: Petition No. 1372 — Diversified Fuels Properties LLC request to encroach into Dexter Avenue for the purpose of installing monitoring wells for the Gas Station located at 2019 W. Grand Blvd.

Petition No. 1372 — Diversified Fuels Properties LLC request to encroach into Aggregate Drive 90 ft. wide, for the purpose of installing a tunnel below grade.

The petition was referred to the City Engineering Division — DPW for investigation and report This is our report.

The request is being made as part of an investigation for soil contamination related to the gas station located at 2019 W. Grand Blvd.

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

Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution. DTE has reported involvement and provisions protecting DTE have been made a part of the resolution.

All other involved City Departments, including the Public lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

RICHARD DOHERTY

City Engineer

City Engineering Division — DPW

By Council Member Benson:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Diversified Fuels Properties LLC or their assigns to install and maintain encroachment for the following:

1. Monitoring Well, located on the west side of Dexter Avenue, 100 ft. wide, being 20 ft. east of the west line of Dexter Avenue and being 10 ft. north of the north line of West Grand Blvd, 150 ft. wide. Also being easterly and adjacent to lot 19 of the "Ernst Kern Subdivision" as recorded

in Liber 64, Page 48 of Plats, Wayne County Records.

2. Monitoring Well, located on the west side of Dexter Avenue, 100 ft. wide, being 20 ft. east of the west line of Dexter Avenue and being 50 ft. north of the north line of West Grand Blvd, 150 ft. wide. Also being easterly and adjacent to lot 19 of the "Ernst Kern Subdivision" as recorded in Liber 64, Page 48 of Plats, Wayne County Records.

3. Monitoring Well, located on the west side of Dexter Avenue, 100 ft. wide, being 20 ft. east of the west line of Dexter Avenue and being 90 ft. north of the north line of West Grand Blvd, 150 ft. wide. Also being easterly and adjacent to lot 19 of the "Ernst Kern Subdivision" as recorded in Liber 64, Page 48 of Plats, Wayne County Records.

4. Monitoring Well, located on the east side of Dexter Avenue, 100 ft. wide, being 20 ft. west of the east line of Dexter Avenue and being 40 ft. north of the north line of West Grand Blvd, 150 ft. wide. Also being easterly and adjacent to lot 19 of the "Ernst Kern Subdivision" as recorded in liber 64, Page 48 of Plats, Wayne County Records.

5. Monitoring Well, located on the east side of Dexter Avenue, 100 ft. wide, being 20 ft. west of the cast line of Dexter Avenue and being 70 ft. north of the north line of West Grand Blvd, 150 ft. wide. Also being easterly and adjacent to lot 19 of the "Ernst Kern Subdivision" as recorded in Liber 64, Page 48 of Plats, Wayne County Records.

Installation of all Monitoring Wells described in this resolution shall reach a depth of 23 feet, and have a 7" flush-mounted watertight steel frame and cover at surface level.

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