

Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, McCalister, Jr., Sheffield and Tate — 6.
 Nays — None.

**Department of Public Works
 City Engineering Division**

November 4, 2021

Honorable City Council:

Re: Petition No. 1585 — 3240 Woodbridge Holdings, LLC request to vacate to utility easement the public alley bounded by Woodbridge Street, Adair Street, Franklin Street, and Walker Street.

Petition No. 1585 — 3240 Woodbridge Holding, LLC request to vacate to utility easement the public alley bounded by Woodbridge Street, 50 ft. wide, Adair Street, 60 ft. wide, Franklin Street, 50 ft. wide, and Walker 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 made as part of a consolidation of property by adjacent owners.

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, Public alley bounded by Woodbridge Street, 50 ft. wide, Adair Street, 60 ft. wide, Franklin Street, 50 ft. wide, and Walker Street, 50 ft. wide; further described as land in the City of Detroit, Wayne County, Michigan being: the public alley, 20 ft. wide, lying southerly of and adjacent to lots 11 through 21 and northerly of and adjacent to lots 37 through 47 of the "Walker Tract" as recorded in Liber 1, Page 10 of Plats, Wayne County Records; Also the public alley, 10 ft. wide, lying southerly of and adjacent to lots 8 through 13 of "Adair's Subdivision" as record in Liber 9, Page 18 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 Sewage 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

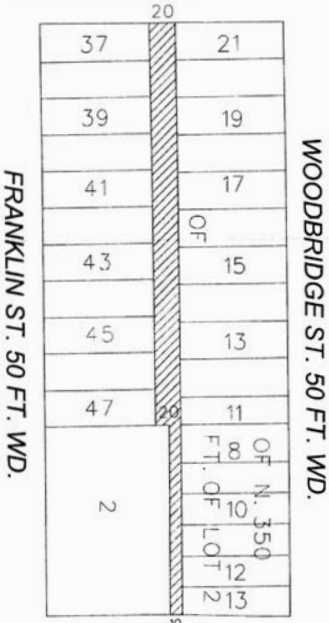
Provided, That if it becomes necessary to remove the paved alley returns at the entrances such removal and construction of the new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specification with all costs borne by the abutting owner(s), 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. 1585
 INTEGRITY BUILDING GROUP
 350 MADISON STREET, 4TH FLOOR
 DETROIT, MICHIGAN 48226
 JOHN P. BIGGAR
 PHONE NO. (248) 798-7127



WALKER ST. 50 FT. WD.



ADAIR ST. 60 FT. WD.

- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 38 F

B									
A	DESCRIPTION	DATE CHG	APP	DATE	CONVERSION TO EASEMENT THE EAST/WEST PUBLIC ALLEY IN THE BLOCK BOUND BY FRANKLIN ST., WALKER ST., WOODBRIDGE ST. AND ADAIR ST.				
REVISED									
DRAWN BY	SA	CHECKED	JD	DATE					
10-29-2021		APPROVED							
					CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU				
					JOB NO. 01-01 DRWG. NO. X 1585				

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, McCalister, Jr., Sheffield and Tate — 6.

Nays — None.

**Department of Public Works
City Engineering Division**

November 4, 2021

Honorable City Council:

Re: Petition No. x1587 — Queen’s Community Workers request for the encroachment into the easterly part of Monica Street the installation of a canopy to the structure location on the property commonly known as 9964 West Grand River.

Petition No. x1587 — Queen’s Community Workers request for the encroachment into the easterly part of Monica Street, 50 ft. wide, the installation of a canopy to the structure location on the property commonly known as 9964 West Grand River.

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

This request is being made for updates to the façade at the property commonly known as 9964 West Grand River.

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, P.E.

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 The Queen’s Community Workers or then assigns to install and maintain encroachment for the following:

1. Canopy, being located on the east side of Monica Street, 50 ft. wide, along the west line of lot 7 of “McKay & Warren’s Subdivision” as recorded in Liber 18, Page 37 of Plats, Wayne County Records, adjacent to the parcel com-

monly known as 9964 West Grand River. Said canopy will extend 3'-7" ft. west of the property line adjoining Monica Street, installed at a height ranging from 8'-6" ft. to 15'-1". above surface grade, and have a width of 10 ft. along Monica Street.

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 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 The Queen’s Community Workers or their assigns, And Further

Provided, That The Queen’s Community Workers or their assigns provide as-built drawings of their installation and the relationship to other utility infrastructure to the Department of Public Works — City Engineering Division, 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 The Queen’s Community Workers or their assigns. Should damages to utilities occur The Queen’s Community Workers 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