

**Department of Public Works
City Engineering Division**

November 4, 2021

Honorable City Council:

Re: Petition No. x1589 — Olympia Development of Michigan, LLC request to vacate to utility easement the Park Avenue bounded by vacated Sproat Street and Temple Avenue.

Petition No. x1589 — Olympia Development of Michigan, LLC request to vacate to utility easement the Park Avenue, 60 ft. wide, bounded by vacated Sproat Street, 50 ft. wide, and Temple Avenue, 60 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 and will allow for a pedestrian friendly area to be used in conjunction with the new 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 Engineering Division — DPW

By Council Member Benson:

Resolved, Park Avenue, 60 ft. wide, bounded by vacated Sproat Street, 50 ft. wide, and Temple Avenue, 60 ft. wide; further described as land in the City of Detroit, Wayne County, Michigan being: Park Avenue lying easterly of and adjacent to lots 19 through 24 of Block 75 and lots 19 through 24 of Block 76; and lying westerly of and adjacent to lots 13 through 18 of Block 75 and lots 13 through 18 of Block 76 of "Subdivision of Park Lots" as recorded in Liber 53, Page 196 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

Sixth, Said owners hereby grant to and for the use of the public a perpetual access easement over the vacated seg-

ments of Park Avenue herein above described for the purpose of providing pedestrian access to the public and for emergency use such as service vehicles with the right to ingress and egress at any time to and over said easement for the purpose above set forth; and

Seventh, That Olympia Development of Michigan, LLC shall record with the Wayne County Register of Deeds a private access easement reserving use of the segment of Park Avenue being vacated under this resolution for the property commonly known as 110 Sproat Street, described as being lots 19-20 of "Block 76 Subdivision of Park Lots" as recorded in Liber 53, Page 196 of Plats, Wayne County Records. Said private access easement shall run with the land for the use of future landowners.

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 casement 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 construc-

tion 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

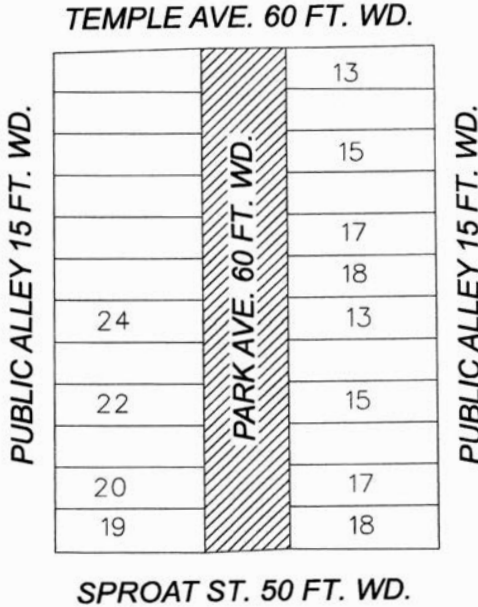
Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon said easement without prior written approval and agreement with the Detroit Water 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. x1589
 OLYMPIA DEVELOPMENT OF MICHIGAN, LLC
 C/O GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MI, 48226
 MICHAEL MARKS
 PHONE NO. (313) 962-4442



- REQUEST TO VACATE TO UTILITY EASEMENT

(FOR OFFICE USE ONLY)

CARTO 29 E

B				REQUEST TO VACATE TO UTILITY EASEMENT PARK AVENUE LOCATED BETWEEN TEMPLE STREET AND VACATED SPROAT STREET.		CITY OF DETROIT CITY ENGINEERING DIVISION	
A						SURVEY BUREAU	
DESCRIPTION	REVISED	MEM	CHG	APP	DATE	JOB NO.	01-01
DRAWN BY	SA	CHECKED	JD	APPROVED		DRWG. NO.	
DATE	11-03-2021						

Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, McCalister, Jr., Sheffield, Tate and President Jones — 7.
 Nays — None.
 *WAIVER OF RECONSIDERATION (No. 39), Per motions before adjournment.

RESOLUTIONS

By Council Member Ayers:
 Resolved, That the Detroit City Council approves the rescheduling of the Wednesday, November 17, 2021 at 1 p.m. Budget Finance and Audit Standing Committee to Friday, November 19, 2021 at 11 a.m.
 Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, McCalister, Jr., Sheffield, Tate and President Jones — 7.
 Nays — None.

*WAIVER OF RECONSIDERATION (No. 40), Per motions before adjournment.

**RESOLUTION DECLARING
 NOVEMBER 15th - NOVEMBER 21st
 OF 2021 WHIPPET WIPEOUT WEEK
 IN DETROIT**

By Council Member Ayers:
 WHEREAS, The mission of the Detroit City Council is to promote the economic, cultural and physical welfare of Detroit's citizens through Charter-mandated legislative functions; and
 WHEREAS, It has come to the attention of City Council that a number of stores throughout the City have nitrous oxide for sale to the general public and, while it is considered a food product for the manufacturing of whipped cream and has other legal uses, many people use nitrous oxide