

Adopted as follows:
Yeas — Council Members Benson, Durhal, III, Johnson, Santiago-Romero, Tate, Waters, Whitfield-Calloway, Young, II and President Sheffield — 9.
Nays — None.

**Department of Public Works
City Engineering Division**

September 13, 2023

Honorable City Council:

Re: **Petition No. x2023-325** — Beverly Rodgers request to vacate to utility easement part of the east-west public alley bounded by Burlingame Street, Rosa Parks Blvd., Lawrence Street, and 14th Street.

Petition No. x2023-325 — Beverly Rodgers request to vacate to utility easement part of the east-west public alley bounded by Burlingame Street, 60 ft. wide, Rosa

Parks Blvd, 66 ft. wide, Lawrence Street, 60 ft. wide, and 14th Street, various widths.

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 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. 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 Santiago-Romero:

Resolved, The public alley, 18 ft. wide, bounded by Burlingame Street, 60 ft. wide, Rosa Parks Blvd., 66 ft. wide, Lawrence Street, 60 ft. wide, and 14th Street, various widths, further described as land in the City of Detroit, Wayne County, Michigan being: the public alley, 18 ft. wide, lying southerly of and adjacent to lots 150 through 166 of "Oakman & Stoll's Subdivision" as recorded in Liber 29, Page 92; and lying northerly of and adjacent to lots 149 through 165 and the westerly 5 ft. of lot 166 of "Clements and Oakman's Subdivision" as recorded in Liber 26, Page 89 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 includ-

ing, 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, That the owners receiving reversionary interest of the alley adjacent to lots 149 through 151 of "Clements and Oakman's Subdivision" provide an access easement the over the southerly 9 ft. of the vacated 18 ft. alley for the use of the apartment building located at the property commonly known as 2017 Burlingame Street. Said access easement shall remain in place for the benefit of the apartment building until that time when the permitted land-use for the property at 2017 Burlingame Street is either changed or abandoned. Land-use intensifications occurring on 2017 Burlingame Street will not cause the access easement to be dissolved. The installation of fences, gates, or other obstructing features is prohibited within the access easement, and further

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

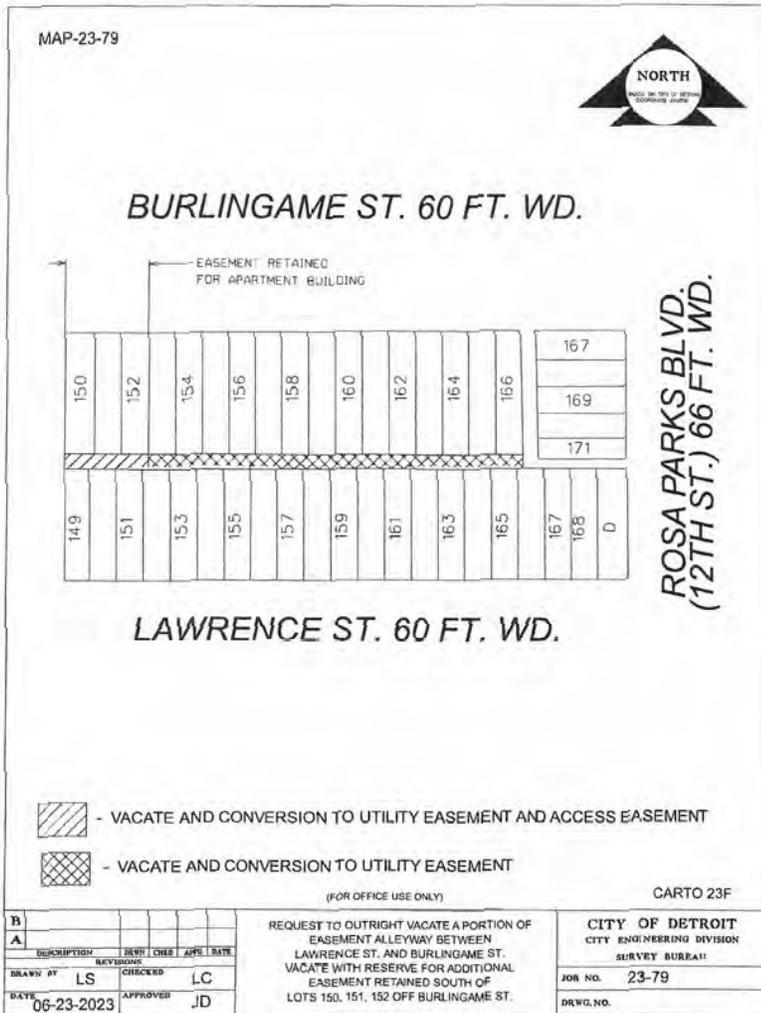
Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon said easement without prior written approval and agreement with the Detroit Water 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.



Adopted as follows:
Yeas — Council Members Benson, Durhal, III, Johnson, Santiago-Romero, Tate, Waters, Whitfield-Calloway, Young, II and President Sheffield — 9.
Nays — None.

**Department of Public Works
City Engineering Division**

September 13, 2023

Honorable City Council:

Re: **Petition No. x2023-330** — The Detroit Department of Transportation request for the Decertification/Vacation, with conversion to utility casement, of part of Hartwell Street, Kendall Street, Intervale Street, and various alleys adjacent to 14044 Schafer Hwy.

Petition No. x2023-330 — The Detroit Department of Transportation request for the Decertification/Vacation, with conversion to utility easement, of part of Hartwell Street, 50 ft. wide, Kendall Street, 60 ft. wide, Intervale Street, 50 ft. wide, and various alleys adjacent to 14044 Schafer Hwy.

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

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 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. 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 Santiago-Romero:

Resolved, Part of Hartwell Street, 50 ft. wide, Kendall Street, 60 ft. wide, Intervale street, 50 ft. wide, and the public alleys; further described as land in the City of Detroit, Wayne County, Michigan being:

1. Hartwell Street, 50 ft. wide, lying easterly of and adjacent to lot 121 and westerly of and adjacent to lot 120, including that part of Hartwell Street lying adjacent to the east-west public alley within the "Happy Homes Subdivision" as recorded in Liber 31, Page 69 of Plats, Wayne County Records.

2. East-west public alley, 10 ft. wide, lying northerly of and adjacent to lots 121 through 126 of the "Happy Homes Subdivision" as recorded in Liber 31, Page 69 of Plats, Wayne County Records.

3. North-south public alley, 16 ft. wide, lying easterly of and adjacent to lots 127 through 130 and lying westerly of and

adjacent to lot 126 of the "Happy Homes Subdivision" as recorded in Liber 31, Page 69 of Plats, Wayne County Records.

4. Kendall Street, 60 ft. wide, lying northerly of and adjacent lot 295 and southerly of and adjacent to lot 294, including that part of Kendall Street lying adjacent to the north-south public alley within the "Greenlawn Subdivision" of Liber 33, Page 52 of Plats, Wayne County Records.

5. North-south alley, 16 ft. wide, lying westerly of and adjacent to lots 281 through 298 of the "Greenlawn Subdivision" of Liber 33, Page 52 of Plats, Wayne County Records.

6. Intervale Street, 50 ft. wide, being the westerly 16 ft. of the southerly 25 ft. of Intervale St. lying west of Ward St. and northerly of the public alley within the "Greenlawn Subdivision" of Liber 33, Page 52 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:

Whereas the City of Detroit does wish to decertify/vacate the above-described streets. This decertification/vacation of the above-described streets is for a total decertification/vacation length of 232 feet. The above described vacated right of way is subject to the following provisions:

First, Said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public right of way 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 right of way 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 under-