

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-

standing 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 right of way 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

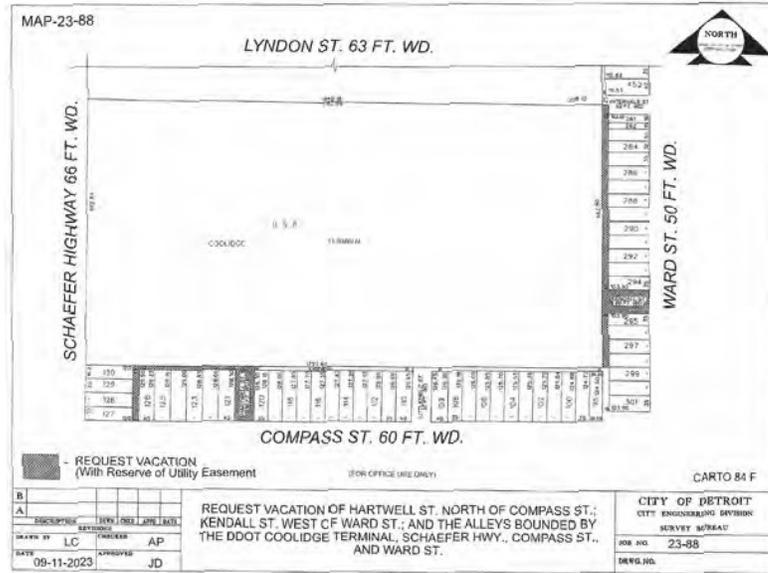
Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

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 right of way 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 if it becomes necessary to remove the paved right of way 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.
*WAIVER OF RECONSIDERATION (No. 5 Per motions before adjournment.)

**Department of Public Works
City Engineering Division**

September 13, 2023

Honorable City Council:
Re: **Petition No. x2023-327** — WMG Algonquin Detroit Owner LLC, request for encroachment within the public alley, lying easterly of and adjacent to the parcel commonly known as 1610 Algonquin Street, for the purpose of installing a storm-sewer line and manhole to feed the proposed detention pond at 1610 Algonquin Street.

Petition No. x2023-327 — WMG Algonquin Detroit Owner LLC, request for encroachment within the public alley, 18 ft. wide, lying easterly of and adjacent to the parcel commonly known as 1610 Algonquin Street, for the purpose of installing a storm-sewer line and manhole to feed the proposed detention pond at 1610 Algonquin Street

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

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

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.

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 Santiago-Romero:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to WMG Algonquin Detroit Owner LLC or their assigns to install and maintain encroachment within the public alley, further described as: Land in the City of Detroit, Wayne County, Michigan;

1. Public alley, 18 ft. wide, lying east of and adjacent to the west line of the "Sterling Realty Cos Subdivision" as recorded in Liber 27, Page 29 of Plats, Wayne County Records; also lying easterly of and adjacent to approx. the southerly 5 ft. of lot 211 and the northerly 13 ft. of lot 212 of "Sterling Park Subdivision" as recorded in Liber 27, Page 61 of Plats, Wayne County Records. The proposed storm-sewer line is proposed as a 21" line that will connect to the proposed 6-foot diameter manhole, which is being built over the existing storm sewer. Said 21" storm outlet is proposed to tab the manhole at approx. 7.3' below grade.