

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 condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW; and further

Provided, That Innovative Acquisitions LLC or their assigns shall file with the Department of Public Works — City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance of Innovative Acquisitions LLC or their assigns of the terms thereof. Further, Innovative Acquisitions

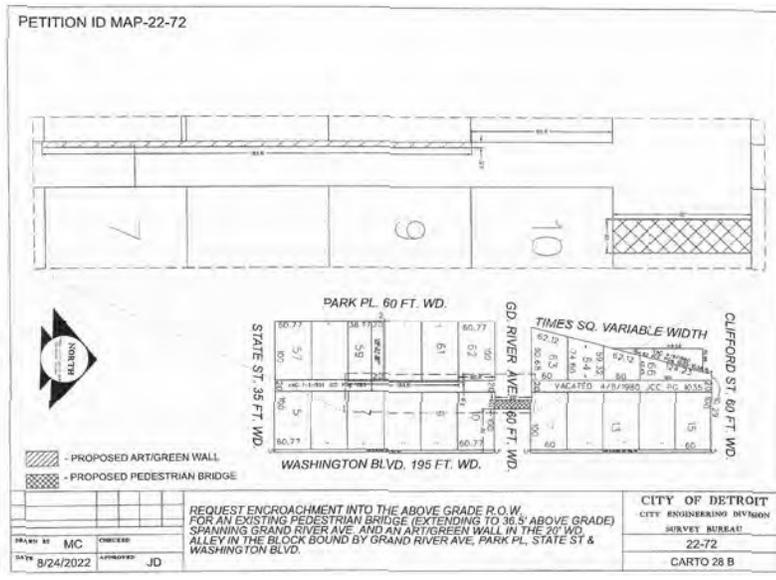
LLC or their assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed encroachments; and further

Provided, That construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and Innovative Acquisitions LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it 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**

July 12, 2023

Honorable City Council:

Re: **Petition No. x2022-90** — Trident Huber, LLC request for the Vacation, with reserve of a utility easement, of part of Winfield Avenue, lying north of vacated Marjorie Street.

Petition No. x2022-90 — Trident Huber, LLC request for the Vacation, with reserve of a utility easement, of part of Winfield Avenue, 50 ft. wide, lying north of vacated Marjorie 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 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 Winfield Avenue, 50 ft. wide, as dedicated per City Council approval on Aug 28th, 1923 (JCC page 1962) lying north of vacated Sheehan Street, 50 ft. wide, and for the vacation of utility easement reserved for over the vacated alley, 18 ft. wide, lying north of vacated Grinnell Avenue, 50 ft. wide, between Winfield Avenue and Van Dyke Avenue, 106 ft. wide; further described as land in the City of Detroit, Wayne County, Michigan being:

Winfield Avenue, lying westerly of and adjacent to lot 49 including that part of Winfield Avenue lying westerly of and adjacent to vacated Grinnell Avenue, 50 ft. wide of "Bessenger & Moore's Van Dyke Avenue Subdivision" as recorded in Liber 33, Page 80 of Plats, Wayne County Records. Also, Winfield Avenue, lying westerly of and adjacent to lots 41 and the northerly 67 ft. of lot 42 including that part of Winfield Avenue lying west of and adjacent to vacated Sheehan Street, 50 ft. wide of "Oak Hill, Rose and Sheehan's Subdivision" as recorded in Liber 13, Page 72 of Plats, Wayne County Records. Also includes that part of Winfield Avenue, 50 ft. wide, lying westerly of and adjacent to the public alley, 16 ft. wide, lying between vacated Grinnell Street and Vacated Sheehan Street.

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 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 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 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

Sixth, That the property owner, Trident Huber, LLC, shall provide a public access easement along part of the proposed vacated Winfield Street for the purpose of providing a turn-around access point for the public and emergency vehicles. The public access easement will be maintained by the owner, Trident Huber, LLC or its Assigns, the easement access shall run with the land until the City of Detroit approves, by City Council resolution, to dissolve the public access easement. Said public access easement provided by Trident Huber is described as followed:

BEGINNING AT A POINT ON THE EAST LINE OF WINFIELD STREET (50 FEET WIDE), ALSO BEING ON THE WEST LINE OF LOT 42 OF "OAK HILL," ROSE & SHEEHAN'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 13 OF PLATS, PAGE 72, WAYNE COUNTY RECORDS, SAID POINT BEING S87°58'27"W 1326.09 FEET ALONG THE EAST-WEST 1/4 LINE OF SECTION 21, TOWN 1 SOUTH, RANGE 12 EAST, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN, AND N02°21'36"W 829.83 FEET ALONG THE EAST RIGHT OF WAY LINE OF SAID WINFIELD STREET FROM THE EAST 1/4 CORNER OF SAID SECTION 21; THENCE S87°38'24"W 50.00 FEET; THENCE N02°21'36"W 96.16 FEET ALONG THE WEST LINE OF SAID WINFIELD STREET; THENCE S87°38'24"W 35.73 FEET; THENCE N02°21'36"W 93.30 FEET; THENCE N87°38'24"E 85.73 FEET; THENCE S02°21'36"E 189.47 FEET ALONG THE EAST LINE OF SAID WINFIELD STREET, ALSO BEING THE WEST LINE OF SAID "OAK HILL," ROSE & SHEEHAN'S SUBDIVISION TO THE PLACE OF BEGINNING.

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

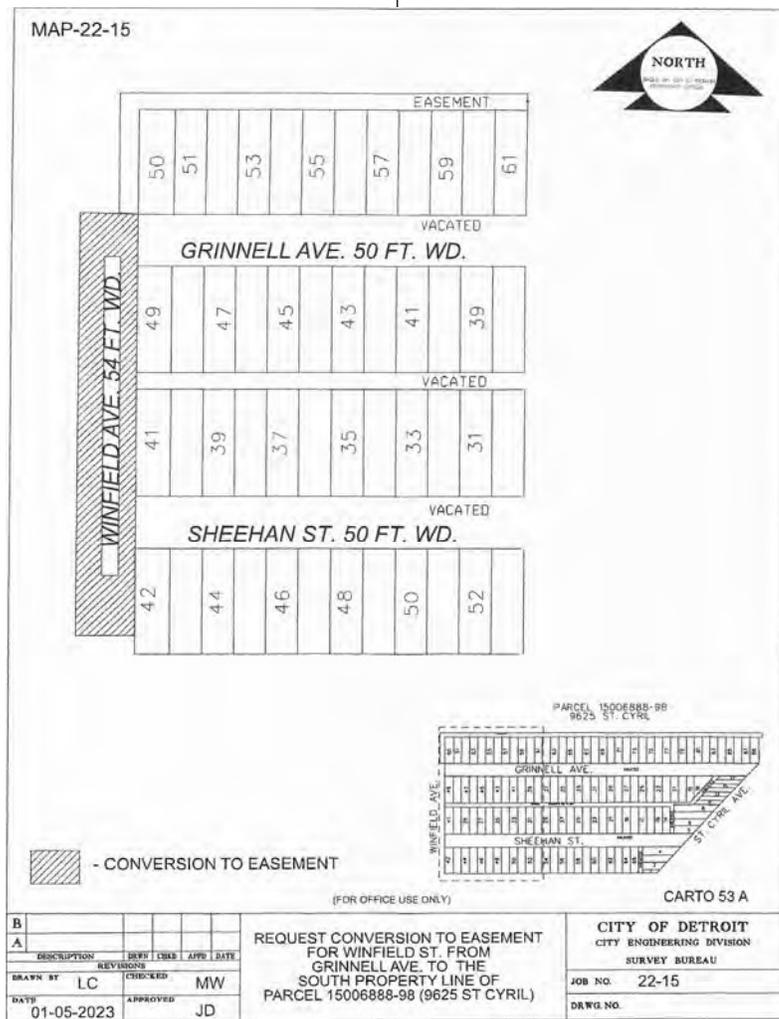
Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

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 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 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.

**Department of Public Works
 City Engineering Division**

March 31, 2023

Honorable City Council:

Re: **Petition No. x2023-117** — Detroit Sausage Real Estate Holding, request for encroachments within the utility easement, reserved for the vacated east-west alley, bounded by Alfred Street, St. Aubin Street, Division Street, and the Dequindre cut for the purpose of installing a storm sewer system.

Petition No. x2023-117 — Detroit Sausage Real Estate Holding, request for encroachments within the utility easement, reserved for the vacated east-west alley, bounded by Alfred Street, 50 ft. wide, St. Aubin Street, 50 ft. wide, Division Street, 50 ft. wide, and the Dequindre cut, various width, for the purpose of installing a storm sewer system.

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

The request is being made to as part of the development of a new parking lot at the location.

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