

TRUE COPY CERTIFICATE

Form C of D—16-CE

STATE OF MICHIGAN, }
City of Detroit } ss.

CITY CLERK'S OFFICE, DETROIT

I, Janice M. Winfrey, City Clerk of the City of Detroit, in said State, do hereby certify that the annexed paper is a TRUE COPY OF Resolution

adopted (passed) by the City Council at session of

May 28 2024

and approved by Mayor

June 07 2024

as appears from the Journal of said City Council in the office of the City Clerk of Detroit, aforesaid; that I have compared the same with the original, and the same is a correct transcript therefrom, and of the whole of such original.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said City, at

Detroit, this 26th

day of July A.D. 2024

Janice M. Winfrey
CITY CLERK



April 4th, 2024

Honorable City Council:

RE: Petition No. x2024-105 – The City of Detroit Department of Public works request for a vacation, with reserve of a utility easement, part of East Grand River Avenue, part of Centre Street, and part of the public alley lying east of East Grand River, between Madison Avenue and Centre Street. Also, for the vacation, with reserve of a utility easement, part of Randolph Street, lying north of Gratiot Avenue.

Petition No. x2024-105 – The City of Detroit Department of Public works request for a vacation, with reserve of a utility easement part of East Grand River Avenue, 60 ft. wide, part of Centre Street, 60 ft. wide, and part of the public alley, 20 ft. wide, lying east of East Grand River, between Madison Avenue and Centre Street. Also, for the vacation, with reserve of a utility easement, part of Randolph Street, lying north of Gratiot Avenue.

This petition comes as part of a right of way clean-up effort vacating right of way surrounding City owned land commonly known as 1475 Randolph Street, also known as Harmonie Park. Also for the establishment of the City owned parklet lying adjacent to the parcel commonly known a 1407 Randolph Street.

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

Cc: Ron Brundidge, Director, DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER Santiago-Romero

RESOLVED, part of East Grand River Avenue, 60 ft. wide, part of Centre Street, 60 ft. wide, and part of the public alley, 20 ft. wide, lying east of East Grand River, between Madison Avenue and Centre Street, further described as land in the City of Detroit, Wayne County, Michigan being:

Harmonie Park

1. East Grand River, 60 ft. wide, being the easterly 12 ft. of East Grand River lying westerly of and adjacent to lot 72, the public alley lying between lots 72 and 33, and part of lot 33 of the "Governor's and Judges Plan Section 9" as recorded in Liber 34, Page 552 of Plats, Wayne County Records.
2. Centre Street, 60 ft. wide, being the northerly 10 ft. of the southerly 60 ft. of the right of way, known as Centre Street, lying northerly of and adjacent to lots 61 and 62 within the "Governor's and Judges Plan Section 9" as recorded in Liber 34, Page 552 of Plats, Wayne County Records.
3. Public Alley, 20 ft. wide, lying southerly of and adjacent to part of lot 33, and lying northerly of and adjacent to part lot 72, being that part of the public alley lying between the east line of East Grand River and the west board of "Houghton's Section", as recorded in Liber 7, Page 174 of Plats, Wayne County Records, within the "Governor's and Judges Plan Section 9" as recorded in Liber 34, Page 552 of Plats, Wayne County Records.

All together being the right-of-way, within Section 9 of the Governors and Judges Plan, within the boundaries of Harmonie Park, described as: commencing from the northwest corner of lot 72; thence S 88-25-26 W, 12 ft. to the point of beginning; thence N 1-31-56 W, 44 ft.; thence N 88-25-44 E, 8.82 ft., thence along the west line of Randolph Street S 27-09-05-E, 281 ft., thence to a point within Centre Street S 67-58-13 W, 16.66 ft., thence N 61-02-07 W, 124.72 ft., thence to a point within East Grand River N 47-53-03 W, 10.01 ft, thence N 1-31-56 W, 145 ft. to the point of beginning.

Randolph Street Parklet

1. Randolph Street, 48 ft. wide, being part of Randolph Street lying between Gratiot Avenue and the public alley, being the first alley north of Gratiot Avenue, within "Houghton's Section of Brush Farm" as recorded in Liber 7, Page 174 of Plats, Wayne County Records; Also, being part of lot 114 of said "Houghton's Section of Brush Farm", dedicated for right-of-way purposes on Aug 1st, 1991, altogether described as:

Commencing from the northwest corner of lot 60, of the "Governors and Judge's Plan Section 9" as recorded in Liber.34, Page.552 of Plats, Wayne County Records, and commencing southeasterly along the south line of Centre Street, 60 ft. wide, S 61-26-07 E, 80.46 ft., thence along the west line of Randolph Street, 48 ft. wide, S 27-04-25 E, 66.88 ft.; thence N 63-03-15 E, 10 ft. to the point of beginning; thence N 63-03-15 E, 11.62 ft.; thence S 61-21-07 E, 105.28 ft.; thence along the north line of Gratiot Avenue S 28-47-09

W, 80.84 ft.; thence N 61-21-20 W, 7.8 ft.; thence N 26-53-45 W, 125.94 ft. to the point of beginning.

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

PROVIDED, that whereas the vacated right-of-way described in this resolution is platted within the "Governor and Judges Plat", the City of Detroit Planning and Development Department is

hereby authorized to deed the vacated portion of the described right of way to the General Services Department: Parks and Recreation, or their assigns, 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, bull dozers, 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, bull dozers, 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

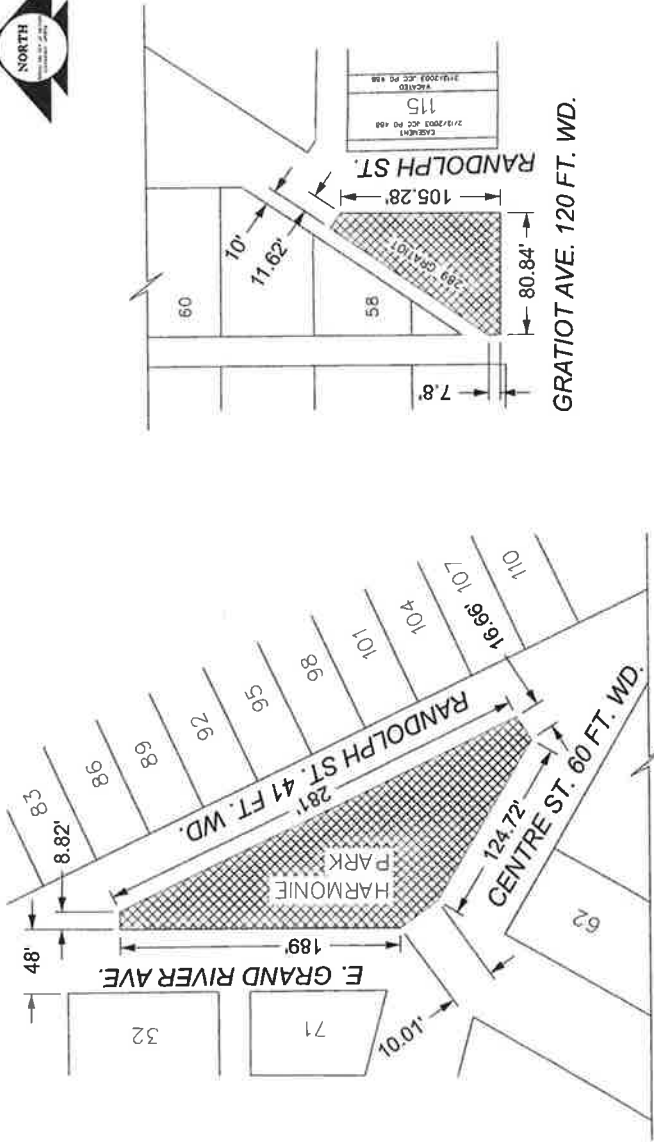
PROVIDED, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon said easement without prior written approval and agreement with the Detroit Water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

MAP-24-13



 - REQUEST VACATION WITH EASEMENT

(FOR OFFICE USE ONLY)

CARTO 28 A

B			
A	DESCRIPTION	DATE	DATE
	REVISIONS		
DRAWN BY	AP	CHECKED	JD
DATE	01-30-2024	APPROVED	JD
REQUEST VACATION WITH EASEMENT TO HARMONIE PARK AND 289 GRATIOT AVE.		CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
		JOB NO.	24-13
		DRWG. NO.	

ADOPTED AS FOLLOWS COUNCIL MEMBERS

Formal Session 05/28/24 New Business N/A Line Item 20.19

	YEAS	NAYS
Scott BENSON NOT PRESENT		
Fred DURHAL, III	X	
Latisha JOHNSON	X	
Gabriela SANTIAGO-ROMERO	X	
*James TATE	X	
Mary WATERS NOT PRESENT		
Angela WHITFIELD-CALLOWAY	X	
Coleman YOUNG, II NOT PRESENT		
MARY PRESIDENT SHEFFIELD NOT PRESENT		
*PRESIDENT PRO TEM		
	5	0