May 24th, 2024

Honorable City Council:

RE: Petition Number x– DPW, City Engineering Division, request for several different public Right-of-Way modifications in the block generally bounded by West Grand Blvd., John C. Lodge Service Dr., Holden Ave., and Sterling Ave.

Petition Number x2022-325 – DPW, City Engineering Division, request for several different public Right-of-Way modifications in the block generally bounded by West Grand Blvd. 150 ft. wide, John C. Lodge Service Dr. variable width, Holden Ave. 66 ft. wide, and Sterling Ave. 60 ft. wide.

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

This request is on behalf of Henry Ford Health and its purpose is to support the redevelopment of the 83-acre north and south campus site referred to as Destination Grand.

All other city departments and utilities have reported no objections to the proposed right-of-way dedications, vacations, and easements.

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**RESOLVED**, that your Honorable Body authorize the acceptance of the following described properties owned by the City of Detroit for public street purposes:

1. North part of new Lincoln Street right of way, between West Grand Boulevard and West Milwaukee Avenue

Part of unit 1 of Henry Ford South Campus, WCCP no.: 1158, as recorded in Liber 56300, page 59, Wayne County records, being more particularly described as:

Commencing at the northwest corner of said unit 1, also being the intersection of the south right of way line of West Grand Boulevard (150 feet wide) and the east line of West Milwaukee Avenue (variable width); thence n.62°13’54”e., 433.91 feet to the point of beginning; thence continuing n.62°13’54”e., 60.00 feet; thence s.27°46’06”e., 364.59 feet to a point on the north line of West Milwaukee Avenue (variable width); thence s.62°13’44”w., 60.00 feet along said north line; thence n.27°46’06”w., 364.59 feet to the point of beginning and containing 0.502 acres.

1. South part of new Lincoln Street right of way, between West Milwaukee Avenue and existing Lincoln Avenue

Part of unit 2 of Henry Ford South Campus, WCCP no.: 1158, as recorded in liber 56300, page 59, Wayne County records, also part of lots 21 through 26 of “Avery and Van Husan’s Subdivision” as recorded in liber 11, page 13 of plats, Wayne County records, being more particularly described as:

Commencing at the northwest corner of said unit 1, also being the intersection of the south right of way line of West Grand Boulevard (150 feet wide) and the east line of West Milwaukee Avenue (variable width); thence n.62°13’54”e., 433.91 feet; thence s.27°46’06”e., 434.59 feet to the point of beginning on the south line of West Milwaukee Avenue (variable width); thence n.62°13’54”e., 60.00 feet along said south line; thence s.27°46’06”e., 220.84 feet; thence n.62°13’44”e., 2.87 feet to a point on the northwest right of way line of Lincoln Street (variable width);

Thence s.08°26’22”w., 201.24 feet along said northwest line; thence 183.26 feet along a non-tangent curve to the left, said curve having a radius of 290.00 feet, a central angle of 36°12’28” and a long chord bearing n.09°39’52”w., 180.23 feet; thence n.27°46’06”w., 211.91 feet to the point of beginning and containing 0.387 acres.

PROVIDED, that the entire work in constructing the new streets is to be performed in accordance with plans and specifications approved by City Engineering Division – DPW (CED) and constructed under the inspection and approval of CED; and further

PROVIDED, That the petitioner obtain Traffic Engineering Division, signature of approval on the final design and plans for the construction of the streets; 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.

**RESOLVED**, that that your Honorable Body authorize the acceptance of the following described land to be dedicated as a public alley:

1. East 20 ft of the parcel at 1115 West Milwaukee Street, Condo Parent Wayne County Condo Plan 1158 of “Henry Ford South Campus” as recorded in Liber 56300, Page 59 of Plats, Wayne County Records split/combined on 02/17/2022 from 06001588-93, 06001596., 06001597., 06001599., 06001600-4, 06001612., 06001613., 06001614., 06001615., 06005603-12, 06005613-4, 06005615., 06005616., 06005617-9, 06005620., 06005621., 06005622., 06005623., 06005624., 06005625., 06005626., 06005627., 06005628., 06005629., 06005630., 06005631., 06005632., 06005633., 06006065., 06006066., 06006067., 06006068., 06006069., 06006070., 06006071., 06006072., 06006073., 06006074., 06006075., 06006076., 06006077., 06006078-9, 06006080., 06006081., 06006082., 06006083., 06006084., 06006085., 06006086., 06006087-8, 06006089., 06006090., 06006091., 06006092., 06006093., 06006094., 06006095., 06006096., 06006097., 06006098., 06006099., 06006100., 06006101., 06006102., 06006103., 06006119., 06006120., 06006121., 06006122., 06006123., 06006124., 06006125., 06006126., 06006127., 08001620., 08001621-5.

PROVIDED, that the entire work in constructing the new streets is to be performed in accordance with plans and specifications approved by City Engineering Division – DPW (CED) and constructed under the inspection and approval of CED; and further

PROVIDED, That the petitioner obtain Traffic Engineering Division, signature of approval on the final design and plans for the construction of the streets; 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.

**RESOLVED,** part of West Milwaukee Avenue, variable width, further described as land in the City of Detroit, Wayne County, Michigan being:

1. West Milwaukee Avenue, variable width, being the northerly 60 ft. of West Milwaukee Avenue lying adjacent to Condo Parent Wayne County Condo Plan 1158 of “Henry Ford South Campus” as recorded in Liber 56300, Page 59 of Plats, Wayne County Records, lying east of the proposed relocated Lincoln Avenue, variable width, and lying west of the John C. Lodge Service Drive, variable width.

Be and the same is hereby vacated as public right-of-way and converted into a private easement for public utilities of the northern 60 ft 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 Sewage 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

**RESOLVED,** part of Lincoln Street, variable width, between West Baltimore Street, variable width, and West Grand Boulevard, 150 ft wide, further described as land in the City of Detroit, Wayne County, Michigan being:

1. Lincoln Street, variable width, between West Baltimore Street, 66 ft wide, and West Milwaukee Street, variable width, and lying adjacent to Condo Parent Wayne County Condo Plan 1158 of “Henry Ford South Campus” as recorded in Liber 56300, Page 59 of Plats, Wayne County Records.
2. Lincoln Street, 100 ft wide, between West Milwaukee Street, variable width, and West Grand Boulevard, 150 ft wide, and lying adjacent to Condo Parent Wayne County Condo Plan 1158 of “Henry Ford South Campus” as recorded in Liber 56300, Page 59 of Plats, Wayne County Records.

Be and the same are hereby decertified/vacated (outright) as public rights-of-way to become part and parcel of the abutting property, and further.

Whereas the City of Detroit does request to decertify/vacate the above-described right-of-way. This decertification/vacation of the above-described right-of-way for a total decertification/vacation length of 221 feet. Said vacation is subject to the following provisions:

PROVIDED, that petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services, and further

PROVIDED, that the petitioner/property owner acknowledge that DWSD relinquishes all responsibility for underground sewers, if any, and further

PROVIDED, that the petitioner/property owner bear the entire cost of any modification to the sewer, in any, including costs related to construction, demolition, permitting, inspection, and survey, and further

PROVIDED, that any construction in the public rights-of-way such as curbs and sidewalks shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir 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.

**RESOLVED,** part of West Milwaukee Street, between the proposed relocated Lincoln Street, 60 ft wide, and the John C. Lodge Service Drive, variable width, further described as land in the City of Detroit, Wayne County, Michigan being:

1. The southern 10 ft of West Milwaukee Street, variable width, lying adjacent to Condo Parent Wayne County Condo Plan 1158 of “Henry Ford South Campus” as recorded in Liber 56300, Page 59 of Plats, Wayne County Records.

Be and the same are hereby decertified/vacated (outright) as public rights-of-way to become part and parcel of the abutting property, and further.

Whereas the City of Detroit does request to decertify/vacate the above-described right-of-way. This decertification/vacation of the above-described right-of-way for a total decertification/vacation length of 221 feet. Said vacation is subject to the following provisions:

PROVIDED, that petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services, and further

PROVIDED, that the petitioner/property owner acknowledge that DWSD relinquishes all responsibility for underground sewers, if any, and further

PROVIDED, that the petitioner/property owner bear the entire cost of any modification to the sewer, in any, including costs related to construction, demolition, permitting, inspection, and survey, and further

PROVIDED, that any construction in the public rights-of-way such as curbs and sidewalks shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir 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.

**RESOLVED,** part of Trumbull Street, from the Holden Street east/west public alley, 16 ft wide, between Sterling Avenue and Lincoln Street, north 62 ft, further described as land in the City of Detroit, Wayne County, Michigan being:

1. Trumbull Street, 60 ft wide, lying easterly of and adjacent to lots 58 and 59 of “Avery and Van Husan’s Subdivision” as recorded in Liber 11, Page 13 of Plats, Wayne County Records, and lying westerly of and adjacent to lots 56 and 57 of “Avery and Van Husan’s Subdivision” as recorded in Liber 11, Page 13 of Plats, Wayne County Records.

Be and the same are hereby decertified/vacated (outright) as public rights-of-way to become part and parcel of the abutting property, and further.

Whereas the City of Detroit does request to decertify/vacate the above-described right-of-way. This decertification/vacation of the above-described right-of-way for a total decertification/vacation length of 221 feet. Said vacation is subject to the following provisions:

PROVIDED, that petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services, and further

PROVIDED, that the petitioner/property owner acknowledge that DWSD relinquishes all responsibility for underground sewers, if any, and further

PROVIDED, that the petitioner/property owner bear the entire cost of any modification to the sewer, in any, including costs related to construction, demolition, permitting, inspection, and survey, and further

PROVIDED, that any construction in the public rights-of-way such as curbs and sidewalks shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir 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.

**RESOLVED,** the alley bounded by West Baltimore Street, 60 ft wide, Lincoln Street, 100 ft wide, West Milwaukee Street, variable width, and the John C. Lodge Service Drive, variable width, extending from West Baltimore Street to the north 123.9 ft and to the east 32.0 ft; further described as land in the City of Detroit, Wayne County, Michigan being:

1. Public alley, 16 ft. wide, lying westerly of and adjacent to lot 12 of “Ceugene Robinson’s Subdivision” as recorded in Liber 15, Page 34 of Plats, Wayne County Records, and lying easterly of and adjacent to Condo Parent Wayne County Condo Plan 1158 of “Henry Ford South Campus” as recorded in Liber 56300, Page 59 of Plats, Wayne County Records.

Be and the same are hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions:

PROVIDED, that petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services, and further

PROVIDED, that the petitioner/property owner acknowledge that DWSD relinquishes all responsibility for underground sewers, if any, and further

PROVIDED, that the petitioner/property owner bear the entire cost of any modification to the sewer, in any, including costs related to construction, demolition, permitting, inspection, and survey, and further

PROVIDED, that any construction in the public rights-of-way such as curbs and sidewalks shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir 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.

**RESOLVED,** the alley bounded by Holden Street, 66 ft. wide, Trumbull Street, 60 ft. wide, and Lincoln Street, variable width, extending from the Holden Street east/west alley to the north 268.0 ft and to the east 145.0 ft to Lincoln Street, as established on 10/27/2020 JCC pgs. 1831-33; further described as land in the City of Detroit, Wayne County, Michigan being:

1. Public Alley, 20 ft wide, lying northerly of and adjacent to lots 18 through 25 of “Avery and Van Husan’s Subdivision” as recorded in Liber 11, Page 13 of Plats, Wayne County Records, lying southerly of and adjacent to lots 56 and 57 of “Avery and Van Husan’s Subdivision” as recorded in Liber 11, Page 13 of Plats, Wayne County Records, and lying adjacent to Condo Parent Wayne County Condo Plan 1158 of “Henry Ford South Campus” as recorded in Liber 56300, Page 59 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

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 Sewage 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 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.

**RESOLVED,** the alley bounded by West Baltimore Street, 60 ft. wide, Lincoln Street, variable width, and the John C. Lodge Service Drive, variable width, extending from West Baltimore Street to the north 123.9 ft and to the east 215.0 ft, as established on 05/17/2000 JCC pgs. 1130-33; further described as land in the City of Detroit, Wayne County, Michigan being:

1. Public Alley, 15 ft wide, lying within Condo Parent Wayne County Condo Plan 1158 of “Henry Ford South Campus” as recorded in Liber 56300, Page 59 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

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 Sewage 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 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.