



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE. SUITE 601
DETROIT, MICHIGAN 48226
PHONE: (313) 224-3949 • TTY:711
FAX: (313) 224-3471
WWW.DETROITMI.GOV

February 7th, 2020

Honorable City Council:

RE: Petition No. 1171 — Archdiocese of Detroit, request to vacate one alley and two streets that abut Sacred Heart Seminary located at the southwest corner of Chicago Boulevard and Linwood Street.

Petition No. 1171 — Archdiocese of Detroit, request to vacate and convert to easement Lawton Avenue, 60 feet wide, from Joy Road, 66 feet wide, to West Chicago Avenue, 194 feet wide; also Longfellow Avenue, 50 feet wide from north-south alley, 20 feet wide, first east of Genesee Avenue, to Lawton Avenue; also east-west alley, 20 feet wide in the block of Joy Road, West Chicago Avenue, Genesee Avenue, 60 feet wide, and Lawton Avenue. The request is also for an encroachment into Lawton Avenue with a guardhouse and gate, located approximately 122 feet south of West Chicago Avenue.

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

The request is being made as a part of a plan to expand the Seminary complex including relocating the main entrance to Chicago Boulevard, expanding on-site parking, and providing for future expansion by combining properties.

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 to the conversion to easement. The specific DWSD provisions for easements are included in the resolution.

DTE Energy – Electric and Gas divisions report having services in the area. Provisions to maintain access to DTE facilities is a part of the resolution.

All other involved City Departments, and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into a private easements for public utilities. Provisions protecting utility installations are part of the attached resolution.



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE. SUITE 601
DETROIT, MICHIGAN 48226
PHONE: (313) 224-3949 • TTY: 711
FAX: (313) 224-3471
WWW.DETROITMI.GOV

I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Doherty".

Richard Doherty, P.E., City Engineer
City Engineering Division – DPW

/JK

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

BY COUNCIL MEMBER _____

RESOLVED, that all of Lawton Avenue, 60 feet wide, from Joy Road, 66 feet wide, to West Chicago Avenue, 194 feet wide; also Longfellow Avenue, 50 feet wide from north-south alley, 20 feet wide, first east of Genesee Avenue, to Lawton Street; also east-west alley, 20 feet wide in the block of Joy Road, West Chicago Avenue, Genesee Avenue, 60 feet wide, and Lawton Avenue, further described as land in the City of Detroit, Wayne County, Michigan being:

- 1) Lawton Avenue, 60 feet wide, westerly half, as deeded to the City of Detroit on April 10, 1923 described as follows: All that part of the southeast quarter of quarter section 33, 10,000 acre tract described as follows: Beginning at a point on the south line of said $\frac{1}{4}$ section 33, distant 478.04 feet $N63^{\circ}41'E$ from the easterly line of "Montclair Heights Subdivision" of the east half of the southwest quarter of quarter section 33, 10,000 acre tract as recorded in Liber 30, page 89 of Plats of Wayne County Records, extended $S25^{\circ}32'E$ to the south line of said quarter section 33; thence along a line $N25^{\circ}59'W$ 831.57 feet to a point on the south line of "Morrison's Longfellow Subdivision" of the southerly 5 acres of the northerly 15 acres of the southeast quarter of quarter section 33 10,000 acre tract as recorded in Liber 35, page 11 of Plats of Wayne County Records; thence along said north line $N63^{\circ}59'E$ 30 feet to a point on the center line of Lawton Avenue as platted in said "Morrison's Longfellow Subdivision"; thence along said line $S25^{\circ}59'E$ 831.41 feet to a point on the south line of said quarter section; thence along said line $S63^{\circ}41'W$ 30 feet to the place of beginning, Wayne County Records, Detroit, Wayne County, Michigan; Except from above the southerly 33 feet thereof, being north half of Joy Road, 66 feet wide.

Lawton Avenue, 60 feet wide, easterly half, as deeded to the City of Detroit on May 8, 1923 described as follows: The easterly half of Lawton Avenue lying between Joy Road and the alley first south of Longfellow Avenue, and described as follows: All that part of the southeast one-quarter of one-quarter section 33, Ten Thousand Acre Tract T.1S.R.11E. Beginning at a point on the south line of said one-quarter section 33, distant 508.04 feet $N63^{\circ}41'E$ from the easterly line of "Montclair Heights Subdivision" of the east half of the southwest one-quarter of one-quarter section 33, 10,000 acre tract as recorded in Liber 30, page 89 of Plats of Wayne County Records extended $S25^{\circ}32'E$ to the south line of said one-quarter section 33; thence along a line $N25^{\circ}59'W$ 831.41 feet to a point on the south line of "Morrison's Longfellow Subdivision" of the southerly 5 acres of the northerly 15 acres of the southeast one-quarter of one-quarter section 33 Ten Thousand Acre Tract as recorded in Liber 35, page 11 of Plats of Wayne County Records; thence along said north line $N63^{\circ}59'E$ 30 feet to a point on the east line of Lawton Avenue as platted in said "Morrison's Longfellow Subdivision"; thence along said line $S25^{\circ}59'E$ 831.25 feet to a point on the south line of said one-quarter section; thence along said south line $S63^{\circ}41'W$ 30 feet to the place of beginning; Except from above the southerly 33 feet thereof, being north half of Joy Road, 66 feet wide.

Lawton Avenue, 60 feet wide, lying east of and adjoining the east line of Lots 1 and 10 and Longfellow adjoining said Lots "Chicago Boulevard Land Company's Subdivision of Lots 26 to 38 inclusive of Reichenbach's West Longfellow Sub'n also of Lots 23 to 33 inclusive of Morrison's Longfellow Sub'n and vacated streets and alleys all in $\frac{1}{4}$ section 33 10,000 acre tract" as recorded in Liber 59, Page 8 of Plats, Wayne County Records; Also lying west of and adjoining the west line of Lot 22 and Longfellow and public alley

adjoining "Morrison's Longfellow Subdivision of the southerly 5 acres of the northerly 15 acres of the southeast quarter of quarter section 33 Ten Thousand Acre Tract" as recorded in Liber 35, page 11 of Plats of Wayne County Records; Also lying west of and adjoining the west line of Lot 25 and Longfellow and public alley adjoining "Reichenbach's West Longfellow Subdivision of the south 5 acres of the north 10 acres of SE ¼ of ¼ section 33 of 10,000 acre tract" as recorded in Liber 34, Page 7 of Plats, Wayne County Records.

- 2) Longfellow Avenue, 50 feet wide, lying north of and adjoining the north line of Lots 8, 9, and 10, also lying southerly of and adjoining the southerly line of Lots 1, 2, 3, and the east 99.23 feet of Lot 4 Lots "Chicago Boulevard Land Company's Subdivision of Lots 26 to 38 inclusive of Reichenbach's West Longfellow Sub'n also of Lots 23 to 33 inclusive of Morrison's Longfellow Sub'n and vacated streets and alleys all in ¼ section 33 10,000 acre tract" as recorded in Liber 59, Page 8 of Plats, Wayne County Records.
- 3) The east-west alley, 20 feet wide, (north 9 feet) lying south of and adjoining the south line of Lots 8, 9, and 10 "Chicago Boulevard Land Company's Subdivision of Lots 26 to 38 inclusive of Reichenbach's West Longfellow Sub'n also of Lots 23 to 33 inclusive of Morrison's Longfellow Sub'n and vacated streets and alleys all in ¼ section 33 10,000 acre tract" as recorded in Liber 59, Page 8 of Plats, Wayne County Records; (said alley originally platted in "Morrison's Longfellow Subdivision of the southerly 5 acres of the northerly 15 acres of the southeast quarter of quarter section 33 Ten Thousand Acre Tract" as recorded in Liber 35, page 11 of Plats of Wayne County Records).

The east-west alley, 20 feet wide, (south 11 feet) as deeded to the City of Detroit on May 20, 1924 described as follows: All that part of the southeast quarter of quarter section 33, 10,000 acre tract described as follows: Beginning at a point on the easterly line of "Montclair Heights Subdivision" of the east half of the southwest quarter of quarter section 33, 10,000 acre tract as recorded in Liber 30, page 89 of Plats of Wayne County Records; said point being distant 701.36 feet N25°35'W from the northeasterly corner of Lot 1 of said "Montclair Heights Subdivision" L.30, P.89 P.W.C.R. thence N63°59'E 472.35 feet; thence S25°59'00E along the westerly line of Lawton Avenue, 11 feet; thence S63°59'W 472.43 feet; thence N25°59'00W along the said easterly line of "Montclair Heights Subdivision" L.30, P.89 P.W.C.R., 11 feet to the point of Beginning.

Be and the same are hereby vacated as public rights-of-way and converted into a private easements 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 rights-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 streets and 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 to and over said easement for the purpose above set forth,

Second, said utility easement or right-of-way in and over said vacated streets and 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 shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored 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 streets and alley 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 access is maintained to all fire department connections and to all buildings, and further

PROVIDED, that the 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 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 or over said easement, or that no grade changes or storage of materials shall be made within 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 streets and 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 all 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 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 be it also

RESOLVED, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Archdiocese of Detroit or their assigns to install and maintain encroachments with a guardhouse and gate located in Lawton Avenue, 60 feet wide,, located approximately 122 feet south of West Chicago Avenue, and further described as being land in the City of Detroit, Wayne County, Michigan: Part of Lawton Avenue, 60 feet wide, Commencing at the northeast corner of Lot 1 of “Chicago Boulevard Land Company’s Subdivision of Lots 27 to 38 inclusive of Montclair Heights Subdivision, also of Lots 26 to 38 inclusive of Reichenbach’s West Longfellow Subdivision, also of Lots 23 to 33 inclusive of Morrison’s Longfellow Subdivision and vacated street and alleys, all in ¼ Section 33, 10,000 A.T., City of Detroit, Wayne County, Michigan” as recorded in Liber 59, Page 8 of Plats, Wayne County Records; thence S27°37’21”E along the westerly right-of-way line of Lawton Avenue, 112.03 feet to the Point of Beginning; thence N62°22’39”E 60.00 feet; thence S27°37’21”E along the easterly right-of-way line of Lawton Avenue, 10.40 feet; thence S62°22’39”W 40.49 feet; thence S27°37’21”E 16.60 feet; thence S62°22’39”W 19.51 feet; thence N27°37’21”W along the westerly right-of-way line of Lawton Avenue, 27.00 feet to the Point of Beginning

PROVIDED, that if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

PROVIDED, that access is maintained to all fire department connections, and be it further

PROVIDED, that the remaining sidewalk width meets minimum ADA requirements and all City standards and policies are met; and be it further

PROVIDED, that by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection caused by the encroachment shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the right-of-way, shall be borne by DWSD; and be it further

PROVIDED, that all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours' notice shall also be PROVIDED in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and be it further

PROVIDED, that construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and be it further

PROVIDED, that if DWSD facilities located within the right-of-way shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

PROVIDED, that the petitioner shall hold DWSD harmless for any damages to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

PROVIDED, Archdiocese of Detroit or their assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division – DPW prior to any public right-of-way construction; and further

PROVIDED, that the necessary permits shall be obtained from the City Engineering Division – DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Archdiocese of Detroit or their assigns, and further

PROVIDED, that all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by Archdiocese of Detroit or their assigns. Should damages to utilities occur Archdiocese of Detroit or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

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 Archdiocese of Detroit 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 Archdiocese of Detroit or their assigns of the terms thereof. Further, Archdiocese of Detroit 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 filing of said indemnity agreement shall be construed as acceptance of this Resolution by the “permittee”; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Archdiocese of Detroit, or their assigns; and further

PROVIDED, this resolution for encroachment is revocable at the will, whim or caprice of the City Council, and Archdiocese of Detroit 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.

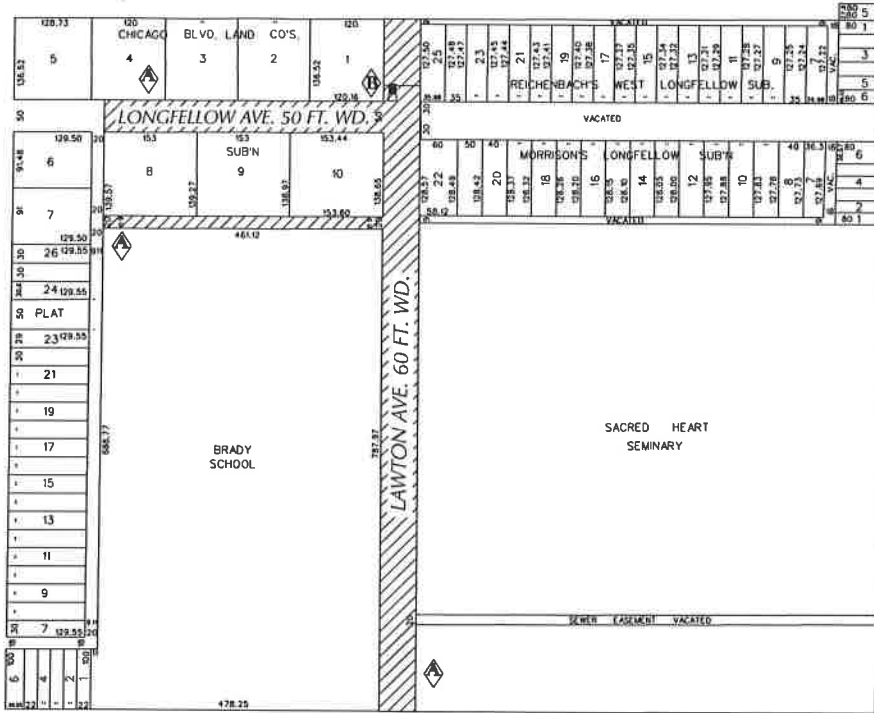
PETITION NO. 1171
 ARCHDIOCESE OF DETROIT
 12 STATE ST.
 DETROIT, MICHIGAN 48226
 C/O MIKE MCINERNEY
 PHONE NO. 313 596-7161

"REVISED"



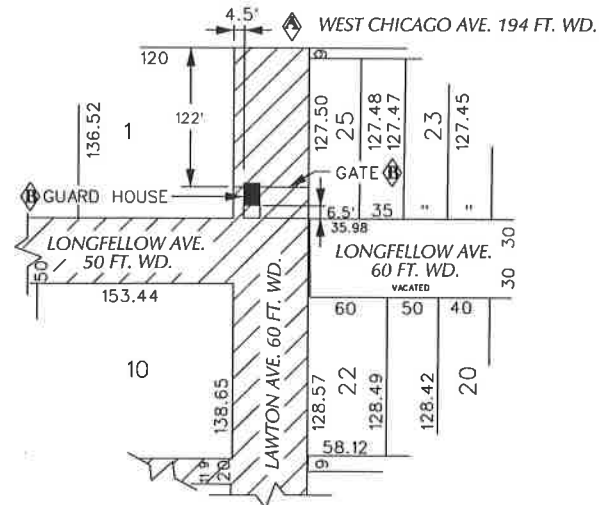
WEST CHICAGO AVE. 194 FT. WD.

GENESSEE AVE. 60 FT. WD.



LINWOOD AVE. 86 FT. WD.

JOY RD. 66 FT. WD.



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 22 B

B	ADDING A GATED SPACE AND GATE INTO EXISTING EASEM.	WLW	KSM	KSM	07/1/19
A	CHANGE FROM OPENING VACATION TO EXPANSION TO EASEMENT	WLW	KSM	KSM	07/1/19
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED	KSM		
DATE	06-14-16	APPROVED			

CONVERSION TO EASEMENT
 A PORTION OF LONGFELLOW AVE. 50 FT. WD.
 LAWTON AVE. 60 FT. WD. AND THE
 EAST/WEST PUBLIC ALLEY 20 FT. WD.
 IN THE AREA BOUND BY
 GENESSEE, W. CHICAGO, LINWOOD AVE.
 AND JOY RD.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1171