



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE. SUITE 601
DETROIT, MICHIGAN 48226
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March 18th, 2020

Honorable City Council:

RE: Petition No. 1444, Giffels Webster, request to vacate and convert to utility easement a segment Park Avenue, between vacated Henry Street and the Fisher Freeway Service Drive.

Petition No. 1444, Giffels Webster, on behalf of Olympia Development of Michigan, LLC request to vacate and convert to easement: Park Avenue, 60 feet wide, between vacated Henry Street, 50 feet wide, and the Fisher Freeway Service Drive.

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

The request is being made as a part of the Little Caesar Arena development area and will allow for a pedestrian friendly area including the parking facilities to be used in conjunction with the new arena.

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

The Detroit Water and Sewerage Department (DWSD) reports no objection if the petitioner agrees to the DWSD provisions for easements. The DWSD provisions are a part of the resolution.

The Public Lighting Department (PLD) reports involvement and the petitioner will need to allow 24 hour truck access to the area or relocate the PLD conduit in the area. The petitioners engineering firm, Giffels-Webster, has already made arrangements to relocate the conduit. Provisions protecting the PLD facilities are a part of the resolution.

DTE Energy – Gas Division reports involvement, but no objection provided that an easement is established or the petitioner pays for the cost of abandoning, removing and/or relocating their gas lines. Provisions for DTE Energy are a part of the attached resolution.

DTE Energy – Electric Division reports that below grade facilities exist that will require an easement to allow access for maintenance to said facilities.

The Planning and Development Department (P&DD) reports no involvement with the proposed vacation to utility easement.



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All other city departments including the Public Lighting Authority and the Great Lakes Water Authority, also all other utilities report no involvement or no objections to the proposed vacations with conversion to easements.

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

JMK/

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

BY COUNCIL MEMBER _____

RESOLVED, that all of Park Avenue, 60 feet wide, between Henry Street, 50 feet wide, and the Fisher Freeway Service Drive, further described as: land in the City of Detroit, Wayne County, Michigan being: Park Avenue, 60 feet wide, lying easterly and abutting lots 42 through 46; and westerly of lots 47 and 69, also the east-west alley from the south-west corner lot lot 47 to the north-west corner of lot 60, all within "Duffields Subdivision" as recorded in Liber 49 Page 573 of Plats, Wayne County Records.

Be and the same are hereby vacated as a public rights-of-way and converted into easements for public utilities the full width of the street, which easements 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 streets and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public rights-of-way herein above described for the purposes of maintaining, installing, repairing, removing, or replacing underground public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or things usually placed or installed in a public street at, or below the surface grade 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 rights-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, 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, shall be built or placed upon said sub-surface 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 rights-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, Said owners hereby grant to and for the use of the public a perpetual access easement over the vacated segment of Park Avenue herein above described for the purpose of providing access to the public and abutting property owners as a public thoroughfare and for emergency use such as service vehicles with the right to ingress and egress at any time to and over said easement for the purpose above set forth; and

Seventh, Said owners are permitted to raise bollards to prevent vehicular access along said vacated segment of Park Avenue herein described during scheduled events for the arena in coordination with the City of Detroit Police Department. Said bollards are required to be lowered to allow public access during times of non-scheduled events.

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 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 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 the petitioner provides an easement for DTE Energy Gas Division or contact Michael Fedele at (313) 389-7211 (Supervisor) or Laura Forrester at (313) 389-7261 for the

estimated cost of their services in abandoning/removing and/or relocating/rerouting, including the survey, design and drawing of the gas utilities, and further

PROVIDED, that the petitioner shall allow the Public Lighting Department 24 hour truck access to their conduit within the easement areas, or make the necessary arrangements for relocation of the conduits at the petitioner's expense, and further

PROVIDED, that the petitioner or their assigns shall obtain approval from the Historic District Committee for any work to be done within the Historic District, and further

PROVIDED, that any work in the public right-of-way such as removal and construction of new curb and sidewalk 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.

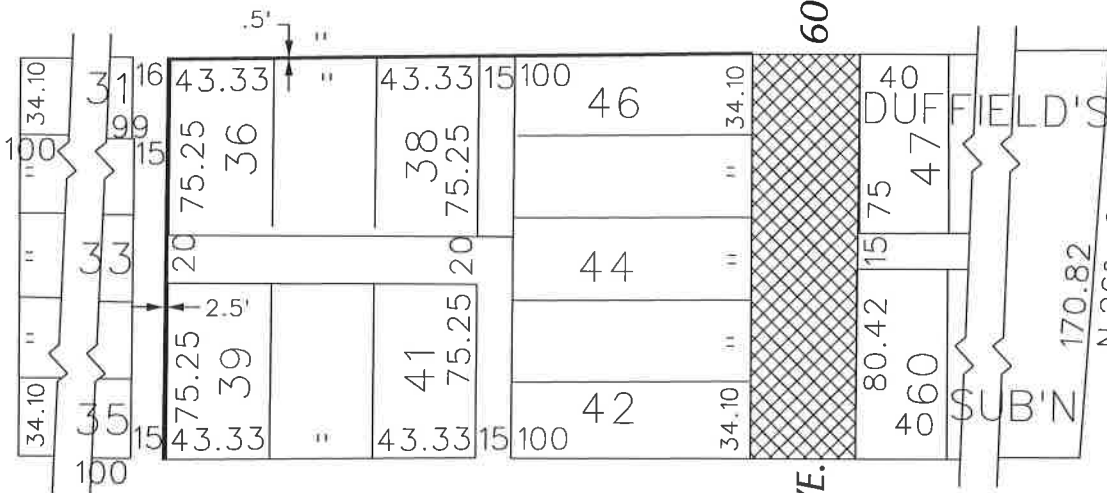
PETITION NO. 1444
 GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O BRIAN ELLISON
 PHONE NO. 313 397-5863



CLIFFORD ST. 60 FT. WD.

HENRY ST. 50 FT. WD.

60 FT. WD.



WOODWARD AVE.
 120 FT. WD.

FISHER FREEWAY (I-75)



- REQUEST ENCROACHMENT



- OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 29 E

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW		CHECKED		
DATE	03-28-17		APPROVED		

REQUEST ENCROACHMENT (Sub-Surface)
 A PORTION OF THE NORTH/SOUTH PUBLIC ALLEY 15 FT. WD.
 A PORTION OF THE HENRY ST. 50 FT. WD.
 OUTRIGHT VACATION
 PARK AVE., 60 FT. WD.
 IN THE AREA BOUND BY
 CLIFFORD AND HENRY ST., WOODWARD AVE.
 AND FISHER FWY. SERVICE DR.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1444