



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

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November 14, 2019

Honorable City Council:

**RE: Petition No. 785 — Giffels Webster, request to vacate and close a portion of Porter Street and the public alley north of Porter Street and south of Bagley Avenue, bounded by Wabash Avenue (vacated) and Vermont Avenue.**

Petition No. 785 — Giffels Webster request to vacate and convert to easement a portion of Porter Avenue, 47 feet wide, west of Vermont Avenue, 70 feet wide, and also vacate and convert to easement the north-south public alley, 20 feet wide, north of Porter Street, 47 feet wide, and south Bagley Avenue, 60 feet wide; bounded by New York Central Rail Line and Vermont Avenue, 70 feet wide.

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 part of a project planned for the area.

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.

All other involved City Departments, and privately owned utility companies have reported no objections to the conversion of the public right-of-way into a private easement for public utilities. 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

/JK

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

BY COUNCIL MEMBER \_\_\_\_\_

**RESOLVED**, the portion of Porter Avenue, 47 feet wide, west of Vermont Avenue, 70 feet wide, the north-south public alley, 20 feet wide, north of Porter Street, 47 feet wide, and south Bagley Avenue, 60 feet wide; bounded by the New York Central Rail Line, and Vermont Avenue, 70 feet wide.; further described as land in the City of Detroit, Wayne County, Michigan being:

1. The portion of Porter Street, 47 feet wide, lying northerly of and adjoining the northerly line of the vacated south 11.4 feet of Porter Avenue and Lot 163; southerly of lot 154 and 162, also southerly of the south line of the north-south alley, 20 feet wide, between lots 154 and 162 of "Lafferty Farm Subdivision Wayne County, Michigan" as recorded in Liber 1, Page 305 of Plats, Wayne County Records; bounded by Vermont Avenue, 70 feet wide, to the east and the New York Central Rail Line to the west.
2. North-south alley, 20 feet wide, lying easterly and adjoining lots 105 through 154, and westerly of and adjoining lots 104 through 162 of "Lafferty Farm Subdivision Wayne County, Michigan" as recorded in Liber 1, Page 305 of Plats, Wayne County Records; bounded by Bagley Avenue, 60 feet wide, to the north and Porter Street, 47 feet wide, to the south.

Be and the same is hereby vacated as a 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 to 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 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 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 an easement, the full width of the existing rights-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

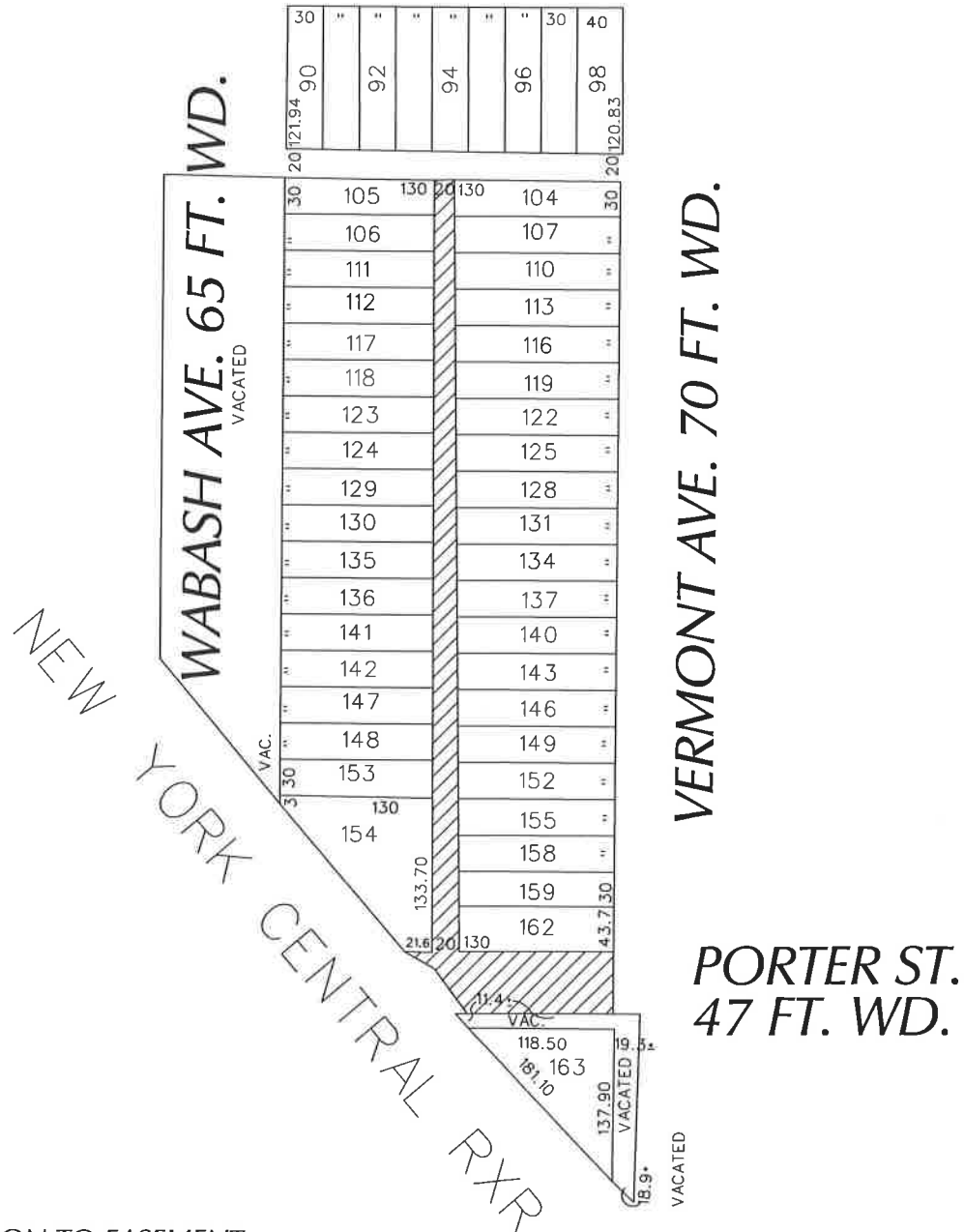
Provided, that if any time in the future, the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 785  
 GIFFELS WEBSTER  
 28 W. ADAMS, SUITE 1200  
 DETROIT, MICHIGAN 48226  
 TRICIA DEMARCO  
 PHONE NO. 313 962-4442



BAGLEY AVE. 60 FT. WD.



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 18 A

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW	CHECKED	KSM		
DATE	04-26-19	APPROVED			

CONVERSION TO EASEMENT  
 PORTER ST. 48.9 FT. WD. AND  
 THE NORTH/SOUTH PUBLIC ALLEY, 20 FT. WD.  
 IN THE BLOCK BOUND BY  
 VERMONT, WABASH, BAGLEY AVE.  
 AND NEW YORK CENTRAL RXR

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 785