

7/20/21



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER  
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DETROIT, MICHIGAN 48226  
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WWW.DETROITMI.GOV

June 25th, 2021

Honorable City Council:

**RE: Petition No. 1461 – Crown Enterprises Inc., request to vacate and convert to a utility easement that part of Selkirk Street lying between the Central Rail Road and Foster Street. Also to vacate the utility easement existing within the vacated public alley lying between Selkirk Street and Miller Street, west of Foster Street. Crown Enterprises Inc., as part of the vacation of Selkirk Street, shall dedicate a turn-around segment along Selkirk Street, east of the Central Rail Road.**

Petition No. 1461 – Crown Enterprises Inc., request to vacate and convert to a utility easement that part of Selkirk Street, 50 ft. wide, lying between the Central Rail Road and Foster Street, 50 ft. wide. In addition, to vacate the utility easement existing within the vacated public alley, 14 ft. wide, lying between Selkirk Street and Miller Street, west of Foster Street. Crown Enterprises Inc., as part of the vacation of Selkirk Street, shall dedicate a turn-around segment along Selkirk Street, east of the Central Rail Road.

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 to the vacation and conversion to utility easement 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 to the vacation and conversion to utility easement of the alley. Provisions protecting utility installations are part of the attached resolution.

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 Benson

**RESOLVED**, that part of Selkirk Street, 50 ft. wide, lying between the Central Rail Road and Foster Street, 50 ft. wide, being land in the City of Detroit, Wayne County, Michigan being:

Selkirk Street, 50 ft. wide, lying southerly of and adjacent to lots 142 through 148 and northerly of and adjacent to lots 127 through 133, all within "Kosciuszko Subdivision" as recorded in Liber 32, Page 91 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 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 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

**RESOLVED**, the public alley, 14 ft. wide, converted to utility easement by resolution per petition x2078 approved by the City of Detroit City Council on June 9<sup>th</sup>, 1976; further described as land in the City of Detroit, Wayne County, Michigan being:

The east-west alley lying southerly of and adjacent to lots 149 and 150, and northerly of and adjacent to lots 147 and 148 of "Kosciuszko Subdivision" as recorded in Liber 32, Page 91 of Plats, Wayne County Records.

Be and the same is hereby vacated (outright) as public right-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 the cost and arrangements for the removing and/or relocating of the utility companies and city departments services, and further

PROVIDED, that any construction in the public right-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 heirs or assigns; and be it also

**RESOLVED**, that your Honorable Body authorize the acceptance of the following described property from Crown Enterprises, Inc. for public right-of-way purposes:

The southerly 20 ft. of the westerly 20 ft. of lot 142 and the northerly 20 ft. of the westerly 20 ft. of lot 133, as well as that part of Selkirk Street, vacated within this resolution, between the westerly 20 ft. of lots 133 and 142, all within "Kosciuszko Subdivision" as recorded in Liber 32, Page 91 of Plats, Wayne County Records.

PROVIDED, that Crown Enterprises Inc. or their assigns shall design and construct the new alley turnaround on Selkirk Street as required by the City Engineering Division - DPW (CED)/Street Design Bureau and the Traffic Engineering Division-DPW; and further

PROVIDED, that Crown Enterprises Inc. or their assigns shall be responsible for arranging the financing of the entire cost of the proposed right-of-way construction, including inspection, survey and engineering; and further

PROVIDED, that the entire work is to be performed in accordance with plans and specifications approved by CED and constructed under the inspection and approval of CED; and further

PROVIDED, that all taxes with respect to property of which the Dedication Area is a part of shall be paid and proof thereof furnished to the Law Department and/or City Engineering Division - DPW; and further

PROVIDED, that proof of compliance with Detroit Ordinance No. 29-94, Detroit Code Sections 2-1-11 through 2-1-15 also known as the Environmental Review Guidelines, is furnished to the Law Department and/or City Engineering Division - DPW; and further

PROVIDED, that the fee owner submit a properly executed deed acceptable to the Law Department and/or City Engineering Division-DPW; and further

PROVIDED, that the petitioner obtain Traffic Engineering Division, signature of approval on the final design and plans for the construction of the alley turnaround; 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. 1461  
 MAP-21-34

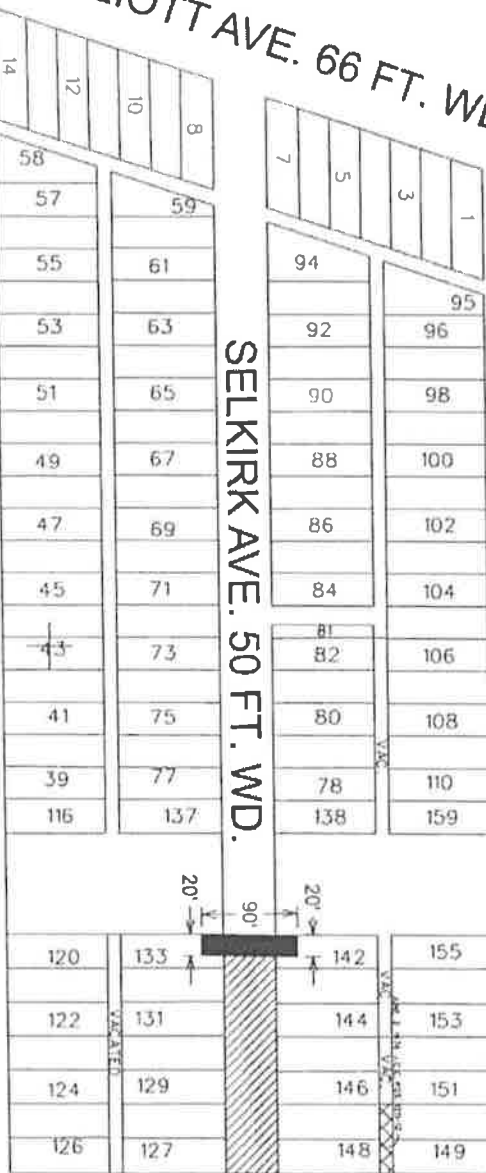


MT. ELLIOTT AVE. 66 FT. WD.

FARR AVE. 50 FT. WD.

SELKIRK AVE. 50 FT. WD.

MILLER AVE. 66 FT. WD.



- OUTRIGHT VACATION



- REQUEST DEDICATION



- CONVERSION TO UTILITY EASEMENT

FOSTER AVE. 50 FT. WD.

(FOR OFFICE USE ONLY)

CARTO 49 C

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	SA	CHECKED		JD	
DATE	06-23-2021	APPROVED			

CONVERSION TO UTILITY EASEMENT  
 PART OF SELKIRK AVE.

CITY OF DETROIT  
 CITY ENGINEERING DIVISION  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO.

**ADOPTED AS FOLLOWS  
COUNCIL MEMBERS**

		YEAS	NAYS
Janee	AYERS	✓	
Scott	BENSON	✓	
Raquel	CASTANEDA-LOPEZ	✓	
<del>Gabe</del>	<del>LELAND</del>		
Roy	MCCALISTER, JR.	✓	
*Mary	SHEFFIELD	✓	
<del>Andre</del>	<del>SPIVEY</del>		
James	TATE	✓	
<del>Brenda</del>	<del>PRESIDENT JONES</del>		
*PRESIDENT PRO TEM			
		6	-0

*members Leland, Spivey & President Jones were not present.*

TRUE COPY CERTIFICATE

Form C of D-16-CE

STATE OF MICHIGAN, }  
City of Detroit } ss.

CITY CLERK'S OFFICE, DETROIT

I, Janice M. Weinberg, 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

July 20 2021

and approved by Mayor

July 26 2021

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 1<sup>st</sup>

day of March A.D. 2022

Janice M. Weinberg  
CITY CLERK