

Adopted as follows:
Yeas — Council Members Benson, Johnson, Santiago-Romero, Tate, Whitfield-Calloway, Young, II and President Sheffield — 7.
Nays — None.

**Department of Public Works
City Engineering Division**

January 5, 2023

Honorable City Council:

Re: **Petition No. x2023-014** – Ford Motor Company requests various vacations of parts of Vernor Highway, and Lacombe Drive adjacent to 2001 15th Street. Also, for the dedication to right of way parts of the parcel commonly known as 2001 15th Street.

Petition No. x2023-014 – Ford Motor Company requests various vacations of parts of Vernor Highway, varied widths, and Lacombe Drive, 60 ft. wide, adjacent to 2001 15th Street. Also, for the dedication to right of way parts of the parcel commonly known as 2001 15th Street.

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

The request is made as part of the renovation plan for the Michigan Central Station.

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 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. 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

By Council Member Santiago-Romero:

Resolved, Part of Vernor Highway, varied width, lying adjacent to the parcel commonly known as 2001 15th Street, further described as land in the City of Detroit, Wayne County, Michigan being:

- Commencing at the intersection of the southerly line of Lacombe Drive and the westerly line of 15th Street; thence south 23 degrees 39 minutes 58 seconds east, 6.52 feet; thence north 73 degrees 42 minutes 44 seconds west, 310.36 feet; thence south 79 degrees 49 minutes 13 seconds west, 50.46 feet to the point of beginning; south 56 degrees 01 minute 46 seconds west, 83.70 feet; thence north 39 degrees 21 minutes 42 seconds east,

94.40 feet; thence south 73 degrees 42 minutes 45 seconds east, 35.21 feet; thence south 56 degrees 01 minutes 46 seconds west, 29.25 feet to the point of beginning.

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 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 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, bulldozers, 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, bulldozers, 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 incidental 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 right of way 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, Part of Vernor Highway, varied width, lying adjacent to the parcel commonly known as 2001 15th Street, further described as land in the City of Detroit, Wayne County, Michigan being:

- Commencing at the intersection of the southerly line of Lacombe Drive and the westerly line of 15th street; thence south 23 degrees 39 minutes 58 seconds east, 6.52 feet; thence north 73 degrees 42 minutes 44 seconds west, 310.36 feet to the point of beginning; thence south 79 degrees 49 minutes 13 seconds west, 50.46 feet; thence north 56 degrees 01 second 46 minutes east, 29.25 feet; thence south 73 degrees 42 minutes 45 seconds east, 26.47 feet to the point of beginning.

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

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

1. Becoming part of Lacombe Drive being part of lots 18, 19, and 20 of block 22, part of lots 20 and 21 of block 23 and part of the vacated alley adjacent to said lot 20 of block 22 and block 23, and part of vacated Dalzelle street and vacated 16th street, being more particularly described

as: beginning at the intersection of the southerly line of Lacombe Drive and the westerly line of 15th street; thence south 23 degrees 39 minutes 58 seconds east, 6.52 feet; thence north 73 degrees 42 minutes 44 seconds west, 310.36 feet; thence north 79 degrees 49 minutes 13 seconds east, 11.22 feet; thence south 73 degrees 42 minutes 44 seconds east, 296.13 feet to the point of beginning.

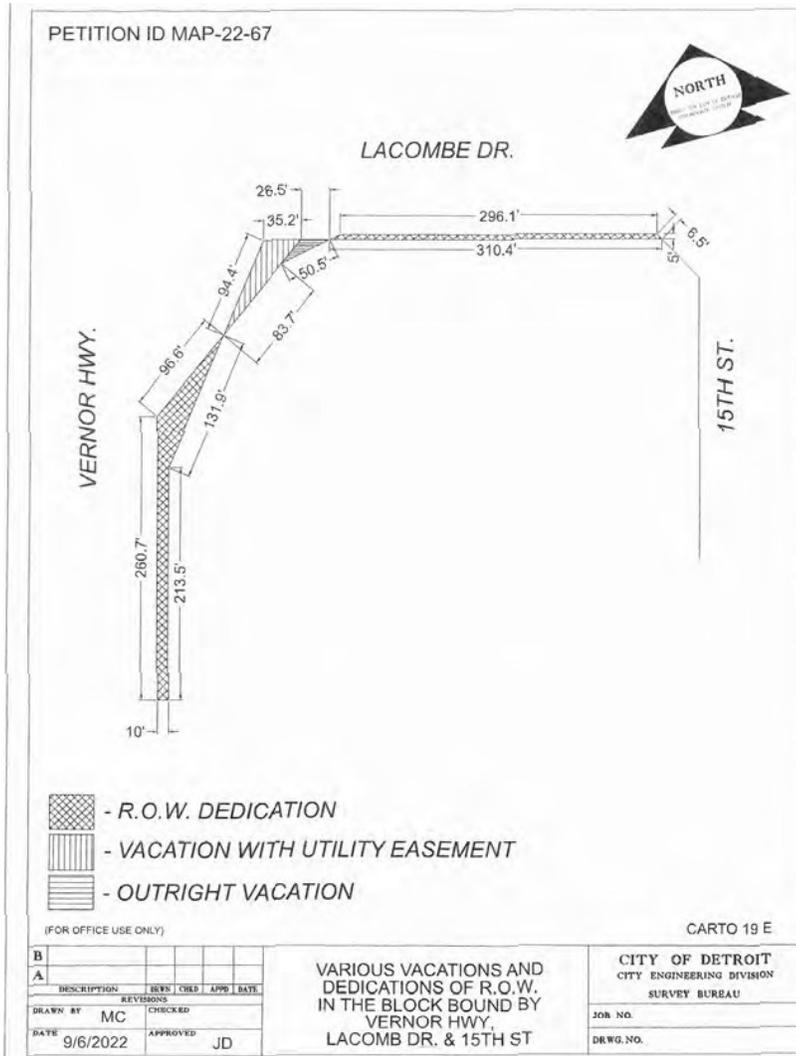
2. Becoming part of Vernor Highway being part of lots 259, 263, 266, 272, 273, 280, part of vacated 17 street, and part of the vacated alley adjacent to said lots 273 and 280 of plat of subdivision of part of private claim no. 473 as recorded in liber 47, pages 558-559 of deeds, Wayne County Records, also part of lots 8 and 9, of block 21 and part of the vacated alley adjacent to said lots 8 and 9 of plat of the front subdivision of the Lafontaine Farm, Private Claim No. 44, as recorded in liber 59, pages 154-155 of deeds, Wayne County Records being more particularly described as: commencing at the intersection of the southerly line of Lacombe Drive and the westerly line of 15th Street; thence south 23 degrees 39 minutes 58 seconds east, 6.52 feet; thence north 73 degrees 42 minutes 44 seconds west,

310.36 feet; thence south 79 degrees 49 minutes 13 seconds west, 50.46 feet; thence south 56 degrees 01 minute 46 seconds west, 83.70 feet to the point of beginning; thence south 39 degrees 21 minutes 42 seconds west, 131.93 feet; thence south 16 degrees 15 minutes 31 seconds west, 213.55 feet; thence north 73 degrees 46 minutes 08 seconds west, 10.00 feet; thence north 16 degrees 15 minutes 31 seconds east, 260.68 feet; thence north 56 degrees 01 minute 33 seconds east, 96.56 feet to the point of beginning.

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.



Adopted as follows:
 Yeas — Council Members Benson, Johnson, Santiago-Romero, Tate, Whitfield-Calloway, Young, II and President Sheffield — 7.
 Nays — None.

Water and Sewerage Department

Whereas, On June 12, 2015, the City of Detroit and the Great Lakes Water Authority ("GLWA") entered into the Regional Water Supply System Lease between (the "Water Lease");
 Whereas, 235 South McKinstry, Detroit, MI 48209 (the "McKinstry Warehouse") is listed as a Leased Water Facility in

Schedule A to the Water Lease and the legal description is attached in Exhibit A;
 Whereas, Pursuant to Section 5.8 of the Water Lease, GLWA has determined that the McKinstry Warehouse is no longer needed, no longer useful in connection with the operation of the Leased Water Facilities and the sale will not impair the operating efficiency of the Leased Water Facilities or reduce the ability of GLWA to satisfy the Rate Covenant as provided in the Master Bond Ordinance;
 Whereas, In 2020, GLWA listed the McKinstry Warehouse for sale;
 Whereas, In 2021, GLWA vacated the McKinstry Warehouse;