

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Spivey, Tate, and President Jones — 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

September 24, 2020

Honorable City Council:

Re: Petition No.1293 — ODM Parking Properties, LLC, request to vacate and convert to easement the public alley between Clifford Street and Park Avenue, bounded by Montcalm Street and Fisher Freeway Service Drive.

Petition No. 1293 – ODM Parking Properties, LLC request to vacate and convert to easement the public alley between Clifford Street (60 ft. wide) and Park Avenue (60 ft. wide), bounded by Montcalm Street (50 ft. wide) and Fisher Freeway Service Drive.

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 for the construction of a parking owned by ODM Parking Properties, LLC.

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,  
RICHARD DOHERTY, P.E.

City Engineer

By Council Member Benson:  
City Engineering Division — DPW

Resolved The public alley between Clifford Street (60 ft. wide) and Park Avenue (60 ft. wide), bounded by Montcalm Street (50 ft. wide) and Fisher Freeway Service Drive, further described as land in the City of Detroit, Wayne County, Michigan being: All of the east-west alley (15 ft. wide) lying northerly of and adjoining lots 28 through 36, and lying southerly of and adjoining lot 57 through 65 of "Lothrop's Subdivision of Park Lot 83 and Part of Park Lot 82" as recorded in Liber 39 Page 430 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 owners of the high-rise structure located at 2305 Park Avenue and the adjacent parcel to the west known as 120 West Montcalm a perpetual access easement over the east 200 ft. of the described alley, full width, for the purposes of allowing waste removal services, loading, and other business functions.

Second, 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.

Third, 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 be restored to a satisfactory condition.

Fourth, 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,

Fifth, 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,

Sixth, 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 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

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. 1293  
 GIFFELS WEBSTER  
 28 W. ADAMS, SUITE 1200  
 DETROIT, MICHIGAN 48226  
 C/O BRAIN ELLISON  
 PHONE NO. 313 397-5863

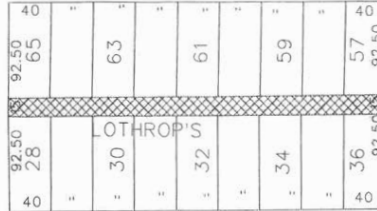
**"REVISED"**



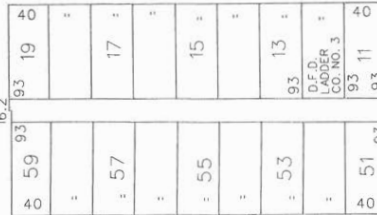
FISHER FREEWAY (I-75)  
 FISHER FWY. SERVICE DR.

CLIFFORD ST. 60 FT. WD.

PARK AVE. 60 FT. WD.



MONTCALM ST. 50 FT. WD.



COLUMBIA ST. 50 FT. WD.



CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 29 E

<b>B</b> REVISIONS BY & DATE OF CHANGE NONE		WELW	KSM	KSM	01/30/17
<b>A</b> (ORIGINAL) DRAWN BY & DATE OF DRAWING GIFFELS WEBSTER		WELW	KSM	KSM	02/11/17
DESCRIPTION		REVISED	CHECKED	APP'D	DATE
DRAWN BY		WELW			
DATE		02-28-17			
CONVERSION TO EASEMENT THE EAST/WEST PUBLIC ALLEY 15 FT. WD. IN THE AREA BOUND BY CLIFFORD, MONTCALM, COLUMBIA ST., PARK AVE. AND FISHER FWY. SERVICE DR.					
CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU				JOB NO. 01-01 DRWG. NO. X 1293	

Adopted as follows:  
 Yeas — Council Members Ayers, Benson, Leland, McCalister, Jr., Spivey, Tate and President Jones — 7.  
 Nays — Council Member Castaneda-Lopez — 1.

**NEW BUSINESS**

**Taken from the Table**

Council Member Tate moved to take from the table an Ordinance to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by amending Article XVII, Section 50-17-8, District Map No. 7, to show a PD (Planned Development District) zoning classification where an R3

(Low Density Residential District) zoning classification is currently shown on 26 parcels generally bounded by Seward Street to the north, the John C. Lodge Freeway Service Drive to the east, Palister Avenue to the south, and Poe Street to the west, laid on the table September 15, 2020.

Six (6) Votes Required – Effective 8th Day After Publication.

The Ordinance was then placed on the order of third reading.

**THIRD READING OF ORDINANCE.**

The title to the Ordinance was read a third time.

The Ordinance was then read.

The question being "Shall this Ordinance Now Pass"?