

Spaces within the Greater Downtown Area, at least one (1) Dedicated Space will be located outside the Greater Downtown Area.

Provided, Both Parties will adhere to the language of the Agreement regarding signage, maintenance, utilization, exclusivity, enforcement, conflicting uses and temporary relocation.

**Department of Public Works  
City Engineering Division**

October 23, 2018

Honorable City Council:

Re: Petition No. 1534 Giffels Webster, request for vacation and transfer of a public alley north-south (20 feet wide) within the block bounded by Woodward Avenue, Grand River Avenue, John R. Street, and Farmer Street.

Petition No. 1534 of Giffels Webster on behalf of 1400 Webward Avenue LLC, request for the vacation of the north-south public alley, 20 feet wide, in the block bounded by East Grand River Avenue, 60 feet wide, John R. Street, 55 feet wide, Woodward Avenue, 120 feet wide, and Farmer Street, variable width.

The request is being made to consolidate parcels of land and to accommodate a new development known as the Shinola Hotel. The petitioner has also requested that the City deed the alley to them. The title to the alley is vested with the City because it is part of the "Governor and Judges Plan". After this resolution for alley vacation, the alley will need to be declared surplus property in order to be sold to 1400 Webward Avenue LLC (aka Bedrock). A provision authorizing the land sale is a part of the resolution.

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

Detroit Water and Sewerage Department (DWSD) has no objection to the vacation provided certain provisions are met. The DWSD provisions are a part of the attached resolution.

Planning and Development Department reports involvement because the development is located within the Lower Woodward Historic District. The project requires Historic District Commission approval. A provision for Historic District approval is a part of the resolution.

Comcast reports involvement with an estimated cost of \$16,374.04 for removal and relocation of their facilities. A provision for Comcast is a part of the resolution.

DTE Energy — Electric Division (DTE-E) reports being involved with electric facilities in the vacation. The petitioner and DTE Energy have agreed to easement conditions for the subject alley. DTE Energy consents to the vacation of the

alley provided that the resolution expressly references the private easement benefiting DTE. A provision for DTE Energy is made a part of the resolution.

DTE Energy — Gas Division (DTE-G) reports being involved with the removal of the gas facilities in the vacation area or a grant of easement. A provision for removal of DTE-G facilities at cost to be borne by the petitioner or the granting of an easement for DTE-G is a part of the resolution.

Detroit Thermal has facilities in the subject alley and a provision for the petitioner to grant an easement satisfactory to Detroit Thermal is a part of the resolution.

A provision for the other adjoining owners to be granted an easement for ingress and egress to the alley for buildings with entrances/exits on the subject alley has been made a part of the resolution.

All other involved City departments and privately owned utility companies have reported no objections to the vacation and encroachment. Provisions protecting the rights of the utilities and the City are a part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW  
By Council Member Benson:

Resolved, That the north-south public alley, 20 feet wide, in the block bounded by East Grand River Avenue, 60 feet wide, John R. Street, 55 feet wide, Woodward Avenue, 120 feet wide, and Farmer Street, variable width, said alley being land in the City of Detroit, Wayne County, Michigan and more particularly described as:

Beginning at the Southeast corner of Lot 32, Plat of Section 7, Governor and Judges Plan as recorded December 23, 1848 in Liber 34, page 544 of Deeds, Wayne County Records; thence N30°11'27"W 300.90 feet along the westerly line of the alley, 20 feet wide to the southerly line of John R. Street, 55 feet wide, thence along said southerly line N59°46'14"E 20.00 feet to the easterly line of said alley; thence along said easterly line S30°11'27"E 300.92 feet to the northerly right-of-way line of East Grand River, 60 feet wide; thence along said northerly line, S59°50'52"W, 20.00 feet to the Point of Beginning and containing 0.138 acres of land.

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 cost and arrangements for the removing and/or relocating of the utility companies

and city departments services or granting of private easements for specific utility companies, if necessary, and further

Provided, That the petitioner contact DTE Energy — Electric shall retain a temporary easement the full width of the alley until the sale of the alley by the City of Detroit to the petitioner at which time the petitioner shall execute the previously agreed upon easement benefitting DTE Energy. Upon execution of the private easement between the petitioner and DTE the temporary easement shall expire and be extinguished, and further

Provided, That the petitioner contact DTE Energy — Gas be granted an easement for their existing services, or contact DTE Energy Gas Company Public Improvement Department: Kayla Shelton at 313-389-7211 (Supervisor) or Laura Forrester at 313-389-7261 (Gas Planner) for the estimated cost of their services in abandoning/removing and/or relocating/ rerouting, including survey, design and drawing of their utilities with all cost to be borne by the petitioner, and further

Provided, That the petitioner comply with the Detroit Historic Commission for approval of the development located within the Lower Woodward Historic District, and further

Provided, That petitioner/property owner make satisfactory arrangements with Detroit Thermal for cost and arrangements for granting a private easement for the existing steam tunnel, and further

Provided, That petitioner/property owner make satisfactory arrangements with other adjoining property owners for granting a private easements for ingress and egress, and further

Provided, That the petitioner shall design and construct proposed sewers and or water mains and to make the connections to the existing public sewers and or water mains as required by Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed sewers and or water mains, and further

Provided, That the plans for the sewers and or water mains shall be prepared by a registered engineer; and further

Provided, That DWSD be and is hereby authorized to review the drawings for the proposed sewers and or water mains and to issue permits for the construction of the sewers; and further

Provided, That the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

Provided, That the entire cost of the proposed sewers and or water mains construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, That the petitioner shall

deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

Provided, That the petitioner shall grant to the City a satisfactory easement for the sewers and or water mains, and further

Provided, That the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City, and further

Provided, That the petitioner shall provide a one (1) year warranty for the proposed sewers and or water mains, and further

Provided, That upon satisfactory completion, the sewers and or water mains shall become City property and become part of the City system. And any existing sewers and or water mains that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City, and further

Provided, That any construction in the public rights-of-way such as removal and construction of new pavement, driveways, curbs and sidewalks along John R. Street and East Grand River Avenue at the alley entrances 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 the Planning and Development Director is hereby authorized to issue a quit-claim deed to transfer the following described parcel of land for fair market value and/or other valuable consideration:

The north-south public alley, 20 feet wide, in the block bounded by East Grand River Avenue, 60 feet wide, John R. Street, 55 feet wide, Woodward Avenue, 120 feet wide, and Farmer Street, variable width, said alley being land in the City of Detroit, Wayne County, Michigan and more particularly described as:

Beginning at the Southeast corner of Lot 32, Plat of Section 7, Governor and Judges Plan as recorded December 23, 1848 in Liber 34, page 544 of Deeds, Wayne County Records; thence N30°11'27"W 300.90 feet along the westerly line of the alley, 20 feet wide to the southerly line of John R. Street, 55 feet wide, thence along said southerly line N59°46'14"E 20.00 feet to the easterly line of said alley; thence along said easterly line S30°11'27"E 300.92 feet to the northerly right-of-way line of East Grand River, 60 feet wide; thence along said northerly line, S59°50'52"W, 20.00 feet to the Point of Beginning and containing 0.138 acres of land.

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

