

PETITION NO. 1078
 JUBWAY INC.
 3 PARKLANE BLVD, SUITE 1010
 DEARBORN, MICHIGAN 48126
 BISHOP ALAN T. JUSTICE
 PHONE NO. (734) 341-5900

"REVISION B"

WOODWARD AVE. 100 FT.WD.

EUCLID AVE. 70 FT.WD.

PHILADELPHIA E. AVE. 60 FT.WD.

JOHN R. ST. 60 FT.WD.

- CONVERSION TO EASEMENT

CARTO 32 F

(FOR OFFICE USE ONLY)		CARTO 32 F			
B ENTRY RIGHTS EXISTING BY EASEMENT	KZ SA	JEI AKS	06-09-20 10/11/19	CONVERSION TO EASEMENT OF THE EAST/WEST PUBLIC ALLEY, AND THE NORTH/ SOUTH PUBLIC ALLEY, IN THE BLOCK BOUND BY EUCLID AVE., WOODWARD AVE., PHILADELPHIA E. AVE. AND JOHN R. ST.	CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU
REVISIONS				JOB NO.	01-01
DRAWN BY SA CHECKED KSM				DRAWING NO.	X 1078
DATE 10-07-19 APPROVED BY					

Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**

June 9, 2020

Honorable City Council:
 Re: Petition No.1268 – Jeffery Kurczynski request to vacate and convert to easement the public alley between Otsego Street and Petoskey Avenue, bounded by Webb Street and Burlingame Street.

Petition No. 1268 – Jeffery Kurczynski request to vacate and convert to ease-

ment the public alley (16 ft. wide) between Otsego Street (50 ft. wide) and Petoskey Avenue (50 ft. wide), bounded by Webb Street (50 ft. wide) and Burlingame Street (50 ft. 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 to improve the safety of adjacent property owners and discontinue a non-functioning alley.

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 ease-

ment 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

City Engineering Division – DPW

By Council Member Benson:

Resolved, The public alley (16 ft. wide) between Otsego Street (50 ft. wide) and Petoskey Avenue (50 ft. wide), bounded by Webb Street (50 ft. wide) and Burlingame Street (50 ft. wide), further described as land in the City of Detroit, Wayne County, Michigan being: All of the east-west alley (16 ft. wide) lying southerly of and adjoining lots 194 through 206, and lying northerly of and adjoining lots 207 through 219 of "Stacks Lovett Avenue Subdivision" as recorded in Liber 37 Page 100 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 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 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, 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 Sewage 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

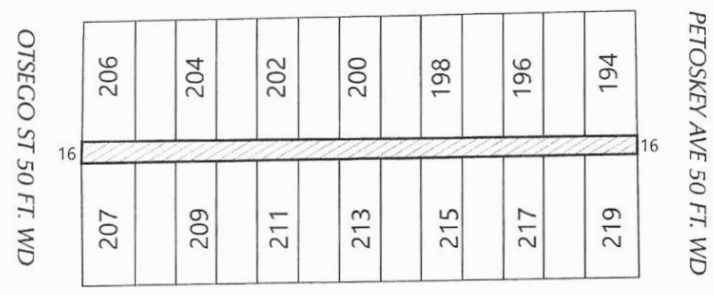
Provided, That if it becomes necessary to remove the paved alley returns at the entrances such removal and construction of the new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specification with all costs borne by the abutting owner(s), 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. 1268
 Jeffery Kurczynski
 4232 Burlingame St., Detroit, MI 48204
 512-783-2996



WEBB ST 50 FT. WD



BURLINGAME ST 50 FT. WD



CARTO 23 D

(FOR OFFICE USE ONLY)				CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
CONVERSION TO EASEMENT THE EAST/WEST PUBLIC ALLEY, 16 FT. WD. IN THE BLOCK BOUND BY BURLINGAME ST., OTSEGO ST., WEBB ST., AND PETOSKEY AVE.				JOB NO. 01-01	
DATE 04-22-20				DRWS. NO. X 1268	

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

June 9, 2020

Honorable City Council:

Re: Petition No. 1278 by Kamper & Stevens I LDHA LLC request for encroachment for existing vaults at 1258 Washington Boulevard, Detroit MI 48226.

Petition No. 1278 by Kamper & Stevens 1 LDHA LLC request for encroachment with underground vaults (areaways) on Washington Boulevard, 195 feet wide, and Grand River Avenue, 60 feet wide, and two public alleys, 20 feet wide, all in the blocks of State Street, 60 feet wide, Grand River Avenue, Washington Boulevard, and Griswold Avenue, 60 feet wide.

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

The request is being made in order to have a public record of the existing underground vaults or areaways.

The request was approved by the Solid Waste Division – DPW, and City Engineering Division – DPW.

Detroit Water and Sewerage Department (DWSD) has not responded to the petition. The standard DWSD provisions for encroachments have been made a part of the resolution.

All other involved City Departments and privately owned utility companies have reported no objections to the encroachment. Provisions protecting all 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

By Council Member Benson:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Kamper & Stevens 1 LDHA LLC or their assigns to install and maintain encroachments consisting of underground vaults (areaways) Washington Boulevard, 195 feet wide, and Grand River Avenue, 60 feet wide, and the public alley, 20 feet wide, all in the blocks of State Street, 60 feet wide, Grand River Avenue, Clifford Street, 60 feet wide, Washington Boulevard, and Griswold Avenue, 60 feet wide. Location of the encroachments described as follows: land in the City of Detroit, Wayne County,

Michigan being part of Washington Boulevard, 195 feet wide, and part of Grand River Avenue, 60 feet wide, and part of the public alley, 20 feet wide, all adjoining: Lot 10 and the North 20 feet of Lot 9 "Plan of Section numbered Eight in the territory of Michigan confirmed unanimately by the Governor and Judges in the 27th day of April 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board" as recorded in Liber 34, Page 543 of Deeds, Wayne County Records. Said encroachments further described as follows:

An underground vault (aka an areaway) lying westerly of and adjoining the westerly line of the above described Lots for the full 81.83 feet of frontage on Washington Boulevard, also extending an additional 5.6 feet northerly for a total length of 87.43 and extending 13.9 feet into the Washington Boulevard right-of-way. Elevation of the vault is from the sidewalk surface to a depth of 10.5 feet below the sidewalk grade.

An underground vault (aka an areaway) lying northerly of and adjoining the northerly line of the above described Lots, along the west 97.3 feet of said parcel and extended westerly an additional 13.9 feet for a total length of 111.2 feet on Grand River Avenue, and extending 5.6 feet into the Grand River Avenue right-of-way. Elevation of the vault is from the sidewalk surface to a depth of 10.5 feet below the sidewalk grade.

An underground vault (aka an areaway) lying easterly of and adjoining the easterly line of the above described Lots for the southerly 64 feet of the northerly 65.67 feet of said parcel adjoining the public alley and extending 4.2 feet into the alley right-of-way. Elevation of the vault is from the sidewalk surface to a depth of 10.5 feet below the sidewalk grade.

Provided, That if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

Provided, That access is maintained to all fire department connections, and be it further

Provided, That by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alter-