



September 30, 2011

Honorable City Council:

RE: Petition no. 739 – HAL Architectural Design Group, to vacate and convert into easements the streets and alleys bounded by the alley south of Grixdale, Chrysler Service Drive, north of Goldengate and Omira.

Petition No. 739 of “HAL Architectural Design Group” request for the conversion of certain streets and alleys within the block bounded by Robinwood Avenue, 50 feet wide, Greendale Avenue, 50 feet wide, Omira Avenue, 50 feet wide, and the Chrysler Southbound Service Drive (I-75) into easements for public utilities. This request will assist in providing better protection from illegal dumping and theft; also provide opportunities for urban gardening proposed by the City of Detroit.

The request was approved by the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

All City departments and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into private easement for the public utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

Richard Doherty, City Engineer
City Engineering Division – DPW

NRP/

Cc: Ron Brundidge, Director – DPW
Mayor’s Office – City Council Liaison

RESOLVED, All that part of the East – West public alley, 16 feet wide, in the block bounded by Robinwood Avenue, 50 feet wide, Goldengate Avenue, 50 feet wide, Omira Avenue, 50 feet wide, and the Chrysler Southbound Service Drive (I-75) lying Southerly of and abutting the South line of Lots 202 through 210, both inclusive, (except that portion taken for Chrysler Freeway (I-75)) and lying Northerly of and abutting the North line of Lots 225 through 233, both inclusive, (except that portion taken for Chrysler Freeway (I-75)) all in the “Seven – Oakland Subdivision” of the Northeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 12 T.1S.,R.11E., Greenfield Township (now City of Detroit) Wayne County, Michigan, as recorded in Liber 34, Page62, Plats, Wayne County Records;

Also, All that part of the East – West public alley, 15 feet wide, in the block bounded by Goldengate Avenue, 50 feet wide, Hilldale Avenue, 50 feet wide, Omira Avenue, 50 feet wide, and the Chrysler Southbound Service Drive (I-75) lying Southerly of and abutting the South line of Lots 255 through 264, both inclusive, (except that portion taken for Chrysler Freeway (I-75)) in the “Seven – Oakland Subdivision” of the Northeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 12 T.1S.,R.11E., Greenfield Township (now City of Detroit) Wayne County, Michigan, as recorded in Liber 34, Page62, Plats, Wayne County Records, and lying Northerly of and abutting the North line of Lots 218 through 228, both inclusive, (except that portion taken for Chrysler Freeway (I-75)) in the “Kiefer Homes Subdivision” of part of Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 12 and part of Northeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Section 12, T.1S.,R.11E., lying East of D.G.N. & M.R.R. Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 34, Page 14, Plats, Wayne County Records;

Also, All that part of the East – West public alley, 15 feet wide, in the block bounded by Hilldale Avenue, 50 feet wide, Grixdale Avenue, 50 feet wide, Omira Avenue, 50 feet wide, and the Chrysler Southbound Service Drive (I-75) lying Southerly of and abutting the South line of Lots 243 through 253, both inclusive, and lying Northerly of and abutting the North line of Lots 264 through 274, both inclusive, all in the “Kiefer Homes Subdivision” of part of Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 12 and part of Northeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Section 12, T.1S.,R.11E., lying East of D.G.N. & M.R.R. Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 34, Page 14, Plats, Wayne County Records;

Also, All that part of the East – West public alley, 15 feet wide, in the block bounded by Grixdale Avenue, 50 feet wide, Greendale Avenue, 50 feet wide, Omira Avenue, 50 feet wide, and the Chrysler Southbound Service Drive (I-75) lying Southerly of and abutting the South line of Lots 285 through 295, both inclusive, and lying Northerly of and abutting the North line of Lots 306 through 315, both inclusive, all in the “Kiefer Homes Subdivision” of part of Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 12 and part of Northeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Section 12, T.1S.,R.11E., lying East of D.G.N. & M.R.R. Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 34, Page 14, Plats, Wayne County Records;

Also, All that part of Hildale Avenue, 50 feet wide, between Omira Avenue, 50 feet wide, and the Chrysler Southbound Service Drive (I-75) lying Southerly of and abutting the South line of Lots 218 through 228, both inclusive, and lying Northerly of and abutting the North line of Lots 243 through 253, both inclusive, all in the "Kiefer Homes Subdivision" of part of Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 12 and part of Northeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Section 12, T.1S.,R.11E., lying East of D.G.N. & M.R.R. Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 34, Page 14, Plats, Wayne County Records;

Also, All that part of Grixdale Avenue, 50 feet wide, between Omira Avenue, 50 feet wide, and the Chrysler Southbound Service Drive (I-75) lying Southerly of and abutting the South line of Lots 264 through 274, both inclusive, and lying Northerly of and abutting the North line of Lots 285 through 295, both inclusive, all in the "Kiefer Homes Subdivision" of part of Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 12 and part of Northeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Section 12, T.1S.,R.11E., lying East of D.G.N. & M.R.R. Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 34, Page 14, Plats, Wayne County Records;

Be and the same is hereby vacated as public streets and alleys and is hereby converted into private easements for public utilities of the full width of the streets and alleys, which easements 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 streets and alleys and by their heirs, executors, administrators and assigns, forever to wit:

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 easements 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 easements is required for 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 fences, porches, patios, balconies, etc., shall be built upon or over said easements, or that no grade changes or storage of materials shall be made within said easements 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 streets and alleys shall request the removal and/or relocation of the aforementioned utilities in said easements, 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 easements 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 all 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

First, said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public streets and alleys 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 alley in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated streets and alleys 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 easements or rights-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 easements with any necessary equipment to perform the above mentioned task, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by 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, shall be built or placed upon said easements, 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 streets and alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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 further

PROVIDED, That if it becomes necessary to remove the paved alley returns at the entrances (into Omira Avenue and the Chrysler Southbound Service Drive (I-75)), such removal and construction of new curb and sidewalk 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

PROVIDED, that the landowner(s) adhere to any and all zoning changes for the urban gardening proposed on land; 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. 739
 HAL ARCHITECTURAL DESIGN GROUP, INC.
 19800 WOODINGHAM
 DETROIT, MICH. 48221
 C/O HARRY LEWIS
 PHONE NO. 313 570 0585



ROBINWOOD AVE. 50 FT. WD.

35	225	112	112	210	35
				208	
				206	
				204	
				112	
				233	40.28
				234	112.27
				112.27	112.27

GOLDENGATE AVE. 50 FT. WD.

35	86.53	112.35	264	35
50	228	112.65		
50	86.33	112.96	262	
	86.21	113.26	260	
	86.09	113.57		
	85.97	113.87	258	
	85.85	114.18		
	85.73	114.48	256	
	85.60	114.79	255	
	85.48	115.10		
	85.36	115.41		
	85.24	115.72		
	85.12	116.03		
	85.00	116.34		

OMIRA AVE. 50 FT. WD.

35	100	100	243	50
	100	30	245	30
	100	30	247	30
	100	30	249	30
	100	30	251	30
	100	30	253	30
	100	30	274	30
	100	30	272	30
	100	30	270	30
	100	30	268	30
	100	30	266	30
	100	30	264	30
	100	30	285	30
	100	30	287	30
	100	30	289	30
	100	30	291	30
	100	30	293	30
	100	30	295	30
	100	30	315	30
	100	30	313	30
	100	30	311	30
	100	30	309	30
	100	30	307	30
	100	30	306	30

HILDALE 50 FT. WD.

GRIXDALE 50 FT. WD.

GREENDALE AVE. 50 FT. WD.

WALTER P. CHRYSLER
 SOUTHBOUND S.D.



- CONVERT TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 36 B

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
1-11-11					

REQUEST CONVERSION TO EASEMENT
 ALL EAST/WEST STREETS AND ALLEYS
 IN AREA BOUND BY
 GREENDALE, OMIRA, ROBINWOOD AND
 CHRYSLER FREEWAY SERVICE DRIVE

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X739.dgn