

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

RECEIVED MAY 27 2011

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, May 25, 2011

To: The Department or Commission Listed Below

From: Janice M. Winfrey, Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

DPW - CITY ENGINEERING DIVISION CITY PLANNING COMMISSION

981 *Detroit Building Authority, for vacation of the portion of the existing Abbott Street right of way between Third St. and eastern boundary line of M-10 (John C. Lodge Freeway) access drive.*

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981

May 2, 2011

Detroit City Council
Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 1340
Detroit, MI 48226
ATTN: City Clerk

2011 MAY -5 A 10:33
DETROIT
CITY CLERK

Dear City Council Members:

The new Detroit Public Safety Headquarters Project is underway. As you are aware, it consists of renovation and reuse of the buildings which once served as the temporary MGM Grand Casino, located at 1300 John C. Lodge Freeway, 811 Abbott Street, and 1351 Third, Detroit, Michigan 48226. As a part of the overall project plan, a portion of Abbott Street needs to be vacated in order to create a secure closed campus between the north and south sides of Abbott Street.

The Detroit Building Authority requests the Honorable Council's consideration of the vacation of the portion of the existing Abbott Street right of way between Third Street and the eastern boundary line of the M-10 (John C. Lodge Freeway) access drive. The Authority proposes an outright vacation with reservation of the current existing underground utility easements.

If you should have any questions, please do not hesitate to contact me at 313-224-7238.

Sincerely,

A handwritten signature in cursive script that reads "Donna C. Rice".

Donna C. Rice
Project Manager

Cc: C. Beth DunCombe, Director -DBA



November 2, 2011

Honorable City Council:

RE: Petition No. 981 – Detroit Building Authority, request for vacation of the portion of the existing Abbott Street right-of-way between Third St. and eastern boundary line of M-10 (John C. Lodge Freeway) access drive.

Petition No. 981 of “Detroit Building Authority” request for the conversion to easement of Abbott Street, 60 feet wide, between Third Avenue, 142 feet wide, and The John C Lodge Freeway. This closure will create a secure closed campus between the New Detroit Public Safety Headquarter buildings.

The request was approved by the Solid Waste Division – DPW, and 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 a private easement for public utilities. Provisions protecting utility installations are part of the attached 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

BY COUNCIL MEMBER _____

RESOLVED, all that part of Abbott Street, 60 feet wide, between Third Avenue, 142 feet wide, and John C. Lodge Freeway lying Southerly of and abutting the South line of Lot 4 and lying Northerly of and abutting the North line of Lot 3 all in the "Detroit Urban Renewal Plat No. 1" of Part of Private Claims 23, 247, 55, and Military Reserve, City of Detroit, Wayne County, Michigan as recorded in Liber 90, Pages 85 and 86, Plats, Wayne County Records;

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

PROVIDED, that no structure can be built over PLD installations. As per PLD requirement, any structure propose to be built shall maintain a minimum of 10 feet horizontal clearance for the overhead PLD lines, also any structure proposed to be built shall maintain a minimum of 3 feet horizontal clearance and 12-iches vertical clearance from any PLD conduit bank and manholes. The contractor will be liable for any damages to any PLD underground facilities; and be it 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 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, said easements or rights-of-way in and over said vacated street herein above described shall be forever accessible to the maintenance and inspection forces of the DWSD, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer or water main or any facility placed or installed in the DWSD easements or rights-of-way. The DWSD 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 easements with any necessary equipment to perform the above mentioned task, with the understanding that DWSD shall use due care in such crossing or use, and that any property damaged by DWSD, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition; 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 easement, or that no grade changes or storage of materials shall be made within 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 street 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 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 easement or right-of-way over said vacated public street 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 street in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

Second, Said utility easement or right-of-way in and over said vacated street 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 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,

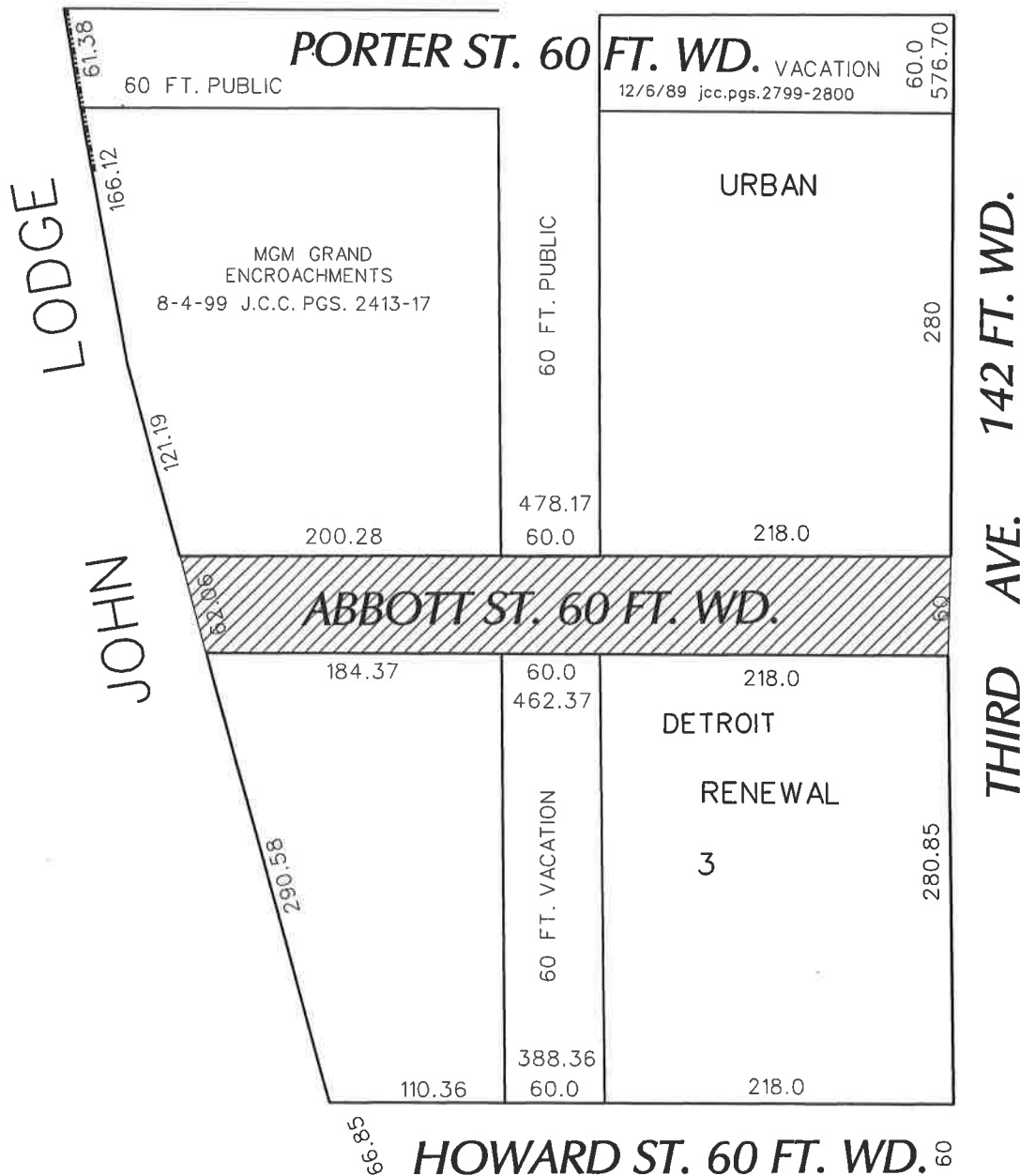
Fourth, That if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 further

PROVIDED, That if it becomes necessary to remove the paved street return at the entrances (into Third Avenue and The John C. Lodge Freeway), 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 City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

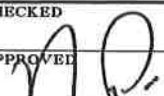
PETITION NO. 981
 DETROIT BUILDING AUTHORITY
 65 CADILLAC SQUARE
 SUITE 2800
 DETROIT, MI. 48226
 C/O DONNA RICE
 PHONE NO. 313224 7238



 - AREA OF EASEMENT

(FOR OFFICE USE ONLY)

CARTO 28 C

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KSM		CHECKED		
DATE	6-23-11		APPROVED		

**REQUEST CONVERSION TO EASEMENT
 OF ABBOTT STREET
 BETWEEN
 M-10 (John C. Lodge Freeway)
 AND THIRD STREET**

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X981.dgn