



April 15, 2013

Honorable City Council;

Re: Petition No. 2357 – Marathon Petroleum Company, request to vacate a public right-of-way on the westerly part of Lot 17 in Albert Maday's subdivision.

Petition No. 2357 of "Marathon Petroleum Company", request for the conversion of a 30.00 feet by 43.33 feet of right-of-way in the area between Fort Street 204 feet wide and Fisher Freeway (I-75), and west of Pleasant Street, 66 feet wide, into a private easement for utilities.

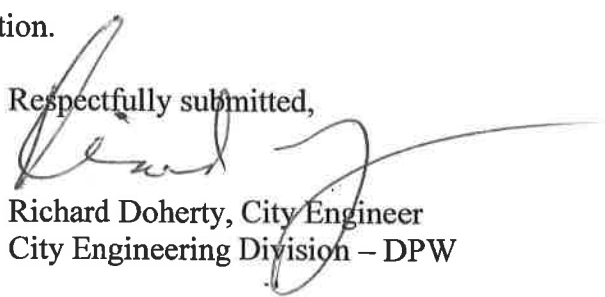
The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

This right-of-way area was dedicated and/or land was acquired for a pedestrian walk path on September 2, 1952 – J.C.C. Pages 2065-66 before the construction of the highway. After the construction of the highway this land was not used for the original intent and has been used as a parking lot for the adjacent property owner (Marathon Petroleum Company). Marathon Petroleum Company wants to legally control and make the parking lot parcel contiguous.

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 the North – South dedicated pedestrian walk path (land acquired on September 2, 1952 – J.C.C. Pages 2065-66) in the area between Fort Street 204 feet wide and Fisher Freeway (I-75), and west of Pleasant Street, 66 feet wide, lying Westerly of and abutting the West line of Lot 16, and lying Easterly of and abutting the East line of Lot 18 all in the “Albert Maday’s Subdivision” on P.C. 61 Village of Oakwood (now City of Detroit) Wayne County Michigan, as recorded in Liber 31 Page 94 of Plats, Wayne County Records; and being more particularly described as the Westerly part of Lot 17 of Albert Maday’s Subdivision on P.C. 61 Village of Oakwood (now City of Detroit) Wayne County Michigan, as recorded in Liber 31 Page 94 of Plats, Wayne County Records measuring 48.33 feet on the Northeastly line of said Lot 17 and 48.33 feet on the Southwesterly line of said Lot 17. Parcel contains 1,448 square feet of land;

Be and the same is hereby vacated as a pedestrian walk path and is hereby converted into a private easement for public utilities of the full width of the pedestrian walk path, 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 pedestrian walk path 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 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, 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 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 pedestrian walk path 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 pedestrian walk path 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 pedestrian walk path 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 pedestrian walk path 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 pedestrian walk path 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 pedestrian walk path return at the entrances (into Fort Street), 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.

RESOLVED, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following described parcel of land for the fair market value and/or other valuable consideration:

Land in the City of Detroit, Wayne County, Michigan being All that part of the North – South dedicated pedestrian walk path (land acquired on September 2, 1952 – J.C.C. Pages 2065-66) in the area between Fort Street 204 feet wide and Fisher Freeway (I-75), and west of Pleasant Street, 66 feet wide, lying Westerly of and abutting the West line of Lot 16, and lying Easterly of and abutting the East line of Lot 18 all in the “Albert Maday’s Subdivision” on P.C. 61 Village of Oakwood (now City of Detroit) Wayne County Michigan, as recorded in Liber 31 Page 94 of Plats, Wayne County Records; and being more particularly described as the Westerly part of Lot 17 of Albert Maday’s Subdivision on P.C. 61 Village of Oakwood (now City of Detroit) Wayne County Michigan, as recorded in Liber 31 Page 94 of Plats, Wayne County Records measuring 48.33 feet on the Northeastly line of said Lot 17 and 48.33 feet on the Southwesterly line of said Lot 17. Parcel contains 1,448 square feet of land;

PETITION NO. 2357  
 MARATHON PETROLEUM COMPANY  
 REAL ESTATE DEPT. (ROOM 1604)  
 539 SOUTH MAIN STREET  
 FINDLAY, OHIO 45840C  
 C/O PETER M. ALLESEE



FORT ST. 204 FT. WD.

FISHER

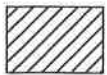
AVE. 60 FT. WD.

AVE.

LEONARD

60 FT. WD.

PATRICIA



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 72 E

REQUEST CONVERSION TO EASEMENT  
 LOT 17 IN  
 ALBERT MADAY'S SUBDIVISION  
 (For a Right-of-Way)

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X2357.dgn

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A					
	DESCRIPTION	DRWN	CHKD	APPD	DATE
	REVISIONS				
	DRAWN BY	CHECKED			
	DATE	APPROVED			
	7-13-12				