

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Tuesday, April 09, 2013*

*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    PLANNING AND DEVELOPMENT DEPARTMENT

**2768**    *UrbanTECH, request the conversion to easement of the northerly portion of the north-south public alley 18 ft. wd. In the block bounded by Forest, Prentis, Second and Third Avenue(s).*

## UrbanTECH

Right-of-way Agent / Engineering Technician  
13572 Towering Oaks, Suite B  
Shelby Township, Michigan 48315

#2768

March 6, 2013

Honorable City Council  
C/o City Clerk  
200 Coleman A. Young Municipal Center  
2 Woodward Avenue  
Detroit, Michigan 48226

RE: 4625 LLC and Pied-a-terre, request the conversion to easement of the northerly portion of the north-south public alley 18 ft. wd. in the block bounded by Forest, Prentis, Second and Third Avenue(s).

UrbanTECH, LLC, respectfully request on behalf of "4625 LLC and Pied-a-terre", owners of the Forest Arms Apartments at 4625 Second Avenue and the adjacent property at 633 W. Forest Avenue, the vacation and conversion of the northerly portion of the north-south public alley 18 ft. wd. in the block bounded by Forest, Prentis, Second and Third Avenue(s), to utility easement. The Forest Arms Apartments are in the early stages of renovation as a result of major fire damage.

It has been necessary to barricade the alley at the rear of the apartments as a safety concern. Now, the owners desire to permanently close said alley, in order to provide a more secure and safe environment during and after renovations.

If you should have any questions or concerns, please do not hesitate to contact me at 313-303-7677.

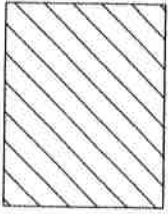
Respectfully,

 *James D. Foster*

James D. Foster, Principal Consultant  
UrbanTech LLC

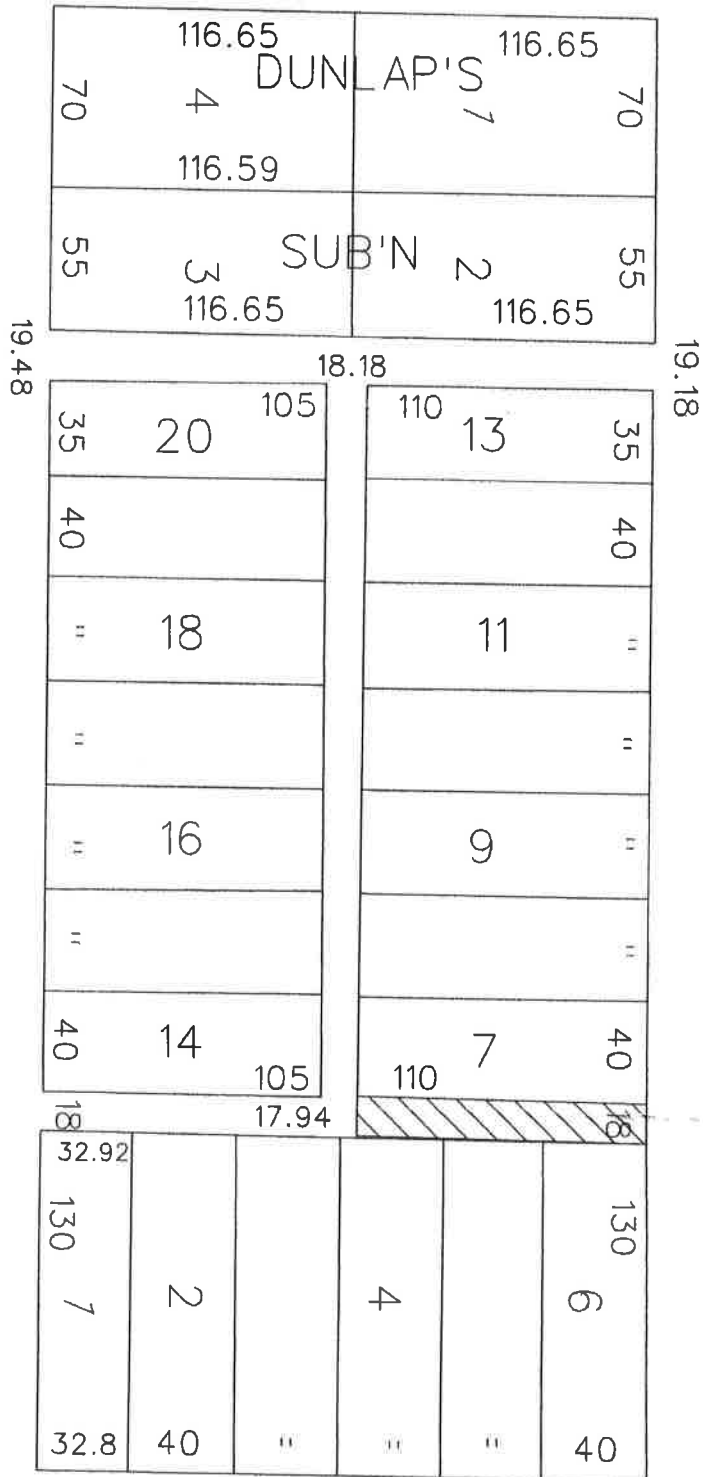
2013  
MAR 9 P 12:11  
CITY CLERK  
DETROIT

THIRD AVE. 70 FT. WD.



REQUESTED CONVERSION TO EASEMENT

PRENTIS AVE. 60 FT. WD.



FOREST AVE. 70 FT. WD.

SECOND AVE. 100 FT. WD.



August 19, 2014

Honorable City Council:

**RE: Petition No. 2768, UrbanTECH, request the conversion to easement of the Northerly portion of the north-south public alley, 18 feet wide, in the block bounded by Forest, Prentis, Second and Third Avenue(s).**

Petition No. 2768, UurbanTECH, LLC, on behalf of "4625 LLC and Pied-a-terre" 4268 Second Avenue, Detroit, Michigan 48201, request vacation and conversion to easement of the northerly part of the North-South public alley, 18 feet wide, in the block bounded by West Forest Avenue, 70 feet wide, Prentis Avenue, 60 feet wide, Second Avenue, 100 feet wide and Third Avenue, 70 feet wide, into a private easement for public utilities

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 right-of-way into a private easement for public utilities. The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW.

Provisions protecting utility installations are part of the attached resolution. Detroit Water and Sewerage Department (DWSD) has no objection to the conversion to easement. The specific DWSD provisions for easements are included in the resolution. Public Lighting Department (PLD) reports being involved, but with no objection to the conversion to easement.

I am recommending adoption of the attached resolution.

Respectfully submitted,

Richard Doherty, P. E., City Engineer  
City Engineering Division – DPW

JMK/

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

BY COUNCIL MEMBER \_\_\_\_\_

**RESOLVED**, that all that part of the North-South public alley, 18 feet wide, in the Block bounded by West Forest Avenue, 70 feet wide, Prentis Avenue, 60 feet wide, Second Avenue, 100 feet wide and Third Avenue, 70 feet wide, and lying westerly of and adjoining the westerly line of Lots 5 and 6 and the northerly 30 feet of Lot 4; also lying easterly of and adjoining the easterly line of Lot 7 "WM. A. Butler's Subdivision of Outlot 102, 104 & 106 and that part of Lot 108 lying S. of the S. line of Putnam Ave. of the Subdivision of the Cass Farm" Detroit, Wayne County, Michigan, as recorded in Liber 11, Page 89 of Plats, Wayne County Records.

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

First, said owners hereby grant to and for the use of the public easement or right-of-way over said vacated 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 alley 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 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 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 alley 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 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 alley shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incidental 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 incidental 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 return at the entrance (into West Forest Avenue) 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.

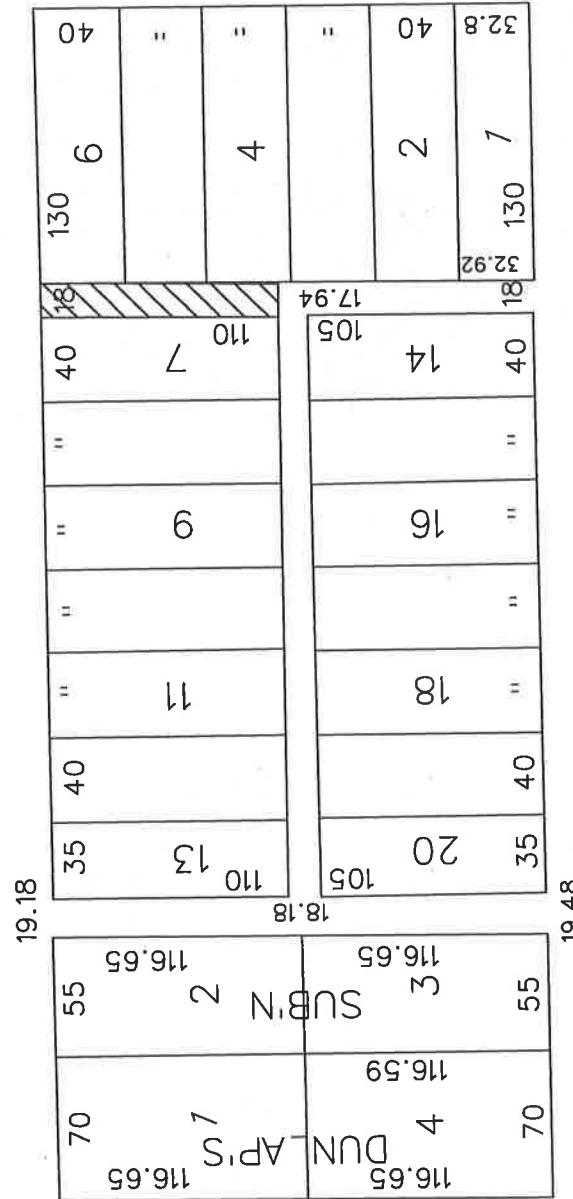
PETITION NO. 2768  
 URBANTECH  
 4625 SECOND AVE.  
 DETROIT, MICHIGAN 48201  
 C/O JAMES D. FOSTER  
 PHONE NO. 313 303-7677



SECOND AVE. 100 FT. WD.

FOREST AVE. 70 FT. WD.

PRENTIS AVE. 60 FT. WD.



THIRD AVE. 70 FT. WD.



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 30 E

REQUEST TO CONVERT TO EASEMENT  
 THE NORTH/SOUTH  
 PUBLIC ALLEY, 18 FT. WD.  
 IN THE BLOCK BOUND BY  
 SECOND, PRENTIS, THIRD  
 AND FOREST AVE.

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X 2768

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
DATE	APPROVED				
03-27-14					