



CITY OF DETROIT
CITY ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS

COLEMAN A YOUNG MUNICIPAL CENTER
SUITE 601
TWO WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3473
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March 31, 2015

Honorable City Council:

Re: Petition No. 260, Marine Pollution Control, request for renewal of temporary closure of part of Pulaski Avenue between the South line of West Jefferson Avenue and the Rouge River.

Petition No. 260 – Marine Pollution Control, original request for renewal of a temporary closure; and subsequently revised to be a request to vacate and convert to easement Pulaski Avenue, 50 feet wide from West Jefferson to the Rouge River.

This request is being made because Pulaski Avenue has been temporary closed since 1975. The street has not been used as a public right-of-way for so long it is in the best interest of the City and the property owners to make the closure permanent.

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 involved City Departments, including the Public Lighting Department, 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. 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.

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, DPW
Mayor's Office – City Council Liaison

Michael Duggan. MAYOR

BY COUNCIL MEMBER _____

WHEREAS, The following petitions to temporary close that part of Pulaski Avenue between the South line of West Jefferson Avenue and the Rouge River have been previously been granted by City Council:

Petition No. 2507 on December 10, 1975 (J.C.C. Pages 2469-70)

Petition No. 2505 on May 2, 1984 (J.C.C. Pages 801-02)

Petition No. 43 on September 12, 1990 (J.C.C. Pages 1901-02)

Petition No.1285 on July 31, 1996 (J.C.C. Pages 1825-26); and

WHEREAS, The above temporary closures have all expired and the petitioner has requested an extension, or if possible, a permanent closure of that same part of Pulaski Avenue; and

WHEREAS, The petitioner has complied with the terms, conditions and restrictions of the previously granted Council Resolutions; and

WHEREAS, It is in the best interest of both the petitioner and the City of Detroit to permanently close that same part of Pulaski Avenue; therefore be it

RESOLVED, All that part of Pulaski Avenue, 50 feet wide, between West Jefferson Avenue and the Rouge River and being more particularly described as: Land in the City of Detroit, Wayne County, Michigan, being the southerly 5.64 feet on the westerly line and the southerly 58.18 feet on the easterly line of Lot C "Tait and Harbaugh's addition to 'Delray on the Rouge' of McGregor's Subdivision of part of P.C. 11 in the rear of P.C. 45, Springwells (Now Detroit) Wayne County, Michigan" as recorded in Liber 16, Page 83 of Plats, Wayne County Records; also being the northerly 54.69 feet on the westerly line, and being the northerly 3.76 feet on the easterly line of Lot 1 "Tait and Harbaughs addition to the Village of Delray of part of P.C.11 in the rear of P.C.45, Springwells (Now Detroit) Wayne County, Michigan" as recorded in Liber 11, Page 81 of Plats, Wayne County Records; and also being described as Pulaski Avenue, 50 feet wide, lying northerly and adjoining the north line of the southerly 26.98 feet on the westerly line and being the southerly 18.06 feet on the easterly line of Lot 1 "Tait and Harbaughs addition to the Village of Delray of part of P.C.11 in the rear of P.C.45, Springwells (Now Detroit) Wayne County, Michigan" as recorded in Liber 11, Page 81 of Plats, Wayne County Records; also lying southerly of and adjoining the southerly line of Lot 11 "Henry W. Skinner Subdivision of Lot C, North of Pulaski Avenue of Tait and Harbaugh's Addition to Delray on the Rouge River of McGregor Subdivision of part of P.C. 11 in rear of P.C. 45 City of Detroit, Wayne County, Michigan" as recorded in Liber 25, Page 81 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public street and 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:

First, said owners hereby grant to and for the use of the public an 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 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 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

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

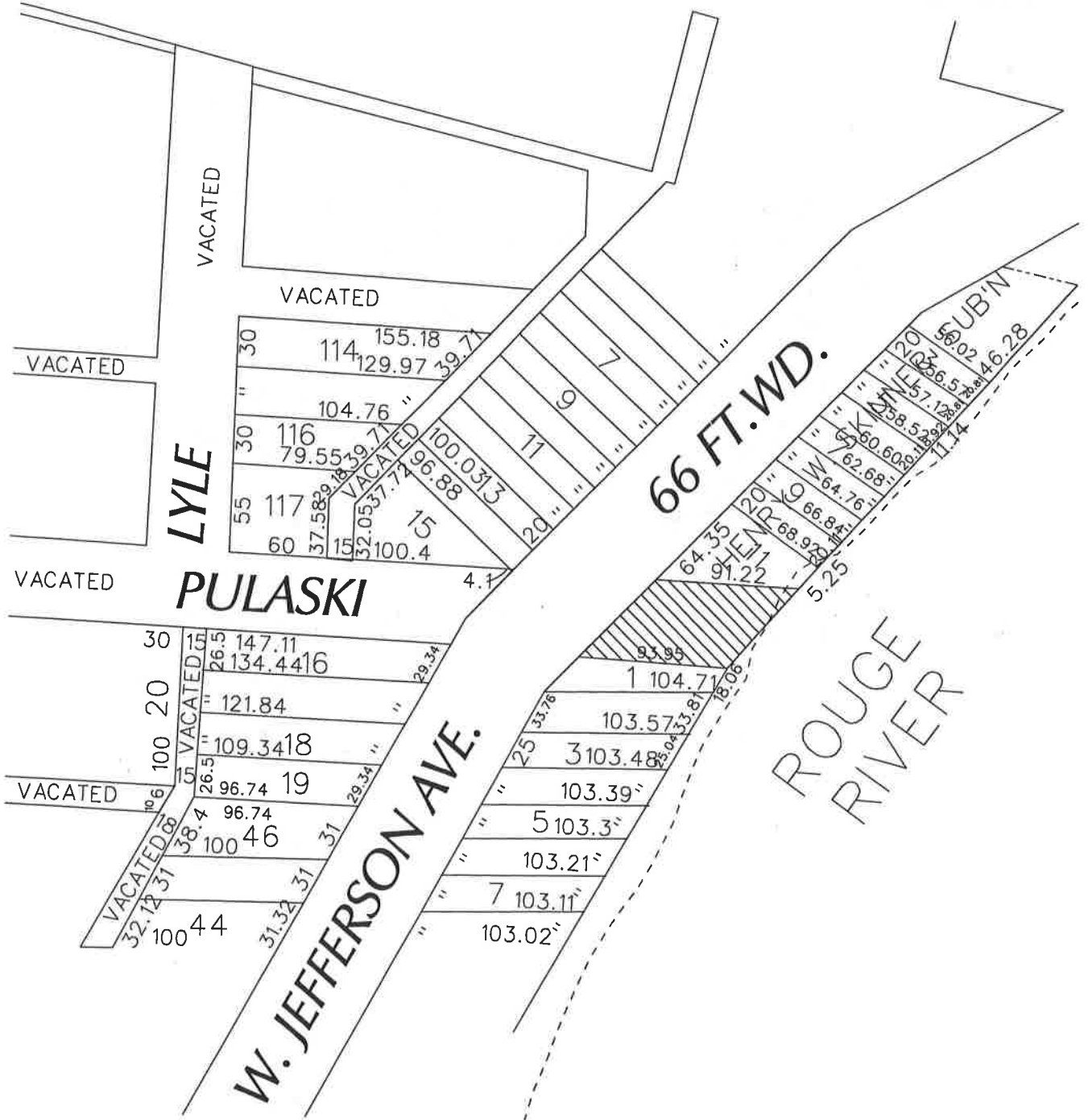
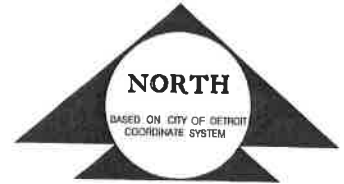
Provided, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be 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 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

Provided, That if it becomes necessary to remove the paved street return at the entrance (into Jefferson 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. 260
 MARINE POLLUTION CONTROL
 8631 W. JEFFERSON AVE.
 DETROIT, MICHIGAN 48209
 C/O BISHOP CHARLES G. USHER
 PHONE NO. 313 849-2333



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 1 B

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	06-23-14	APPROVED			

REQUEST TO CONVERT TO EASEMENT
 PULASKI AVE. 50 FT. WD.
 BETWEEN W. JEFFERSON AVE.
 AND ROUGE RIVER

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X 260