



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 601
DETROIT, MICHIGAN 48226
PHONE (313) 224-3949 • TTY: 711
FAX: (313) 224-3471
WWW.DETROITMI.GOV

August 26, 2015

Honorable City Council:

RE: Petition No. 374 – General Development Company request of “Vacation to Easement” for a portion of Scotten Road near Clark Street and Michigan Ave., in the Clark Street Industrial Park.

Petition No. 374 – General Development Company on behalf of Streamco, Inc. request conversion to easement part of Scotten Avenue, 66 feet wide, North of Brandon Avenue, 60 feet wide and South of Michigan Avenue, 120 feet wide.

The requested closure of Scotten Avenue is being made in order to support an industrial real estate development that is currently under construction. General Development Company is working with Chrysler Corporation LLC to build a new 190,000 square foot Logistics Facility located at the corner of Clark Street and Michigan Avenue, in the Clark Street Industrial Park.

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

As a stipulation to approval, the Department of Public Works is requiring that a vehicle turnaround be constructed to Traffic Engineering Division (TED) specifications and that necessary traffic control signs are posted. This turnaround is mandatory to address objections to the vacation and conversion to easement that were originally raised. The original objections were that the closure would cause a dead end situation to the traffic on Scotten Avenue.

All other involved City departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities. Provisions protecting the utilities rights 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

JK/

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

BY COUNCIL MEMBER _____

RESOLVED, That part of Scotten Avenue, 66 feet wide, and described as land in the City of Detroit, Wayne County, Michigan lying easterly of and adjoining the easterly line of Lots 45, 46, 48, 50, 52, 54 and part of Lots 44 and 56 "Scotten and Lovett's Subdivision of all that part of P.C. 583 lying North of the Dix Road (so-called) and South of the Det. Monroe & Toledo R.R. and S. of Chicago Rd. (so-called) situated in the Village of Riverside & Town of Springwells (Now Detroit)" as recorded in Liber 1, Page 198 of Plats, Wayne County Records; also lying westerly of and adjoining the westerly line of part of Lots 76 and 77 "Plat of the Subdivision of P.C. No. 563 for the Heirs of J.B. Campau" as recorded in Liber 1, Pages 94 & 95 of Plats, Wayne County Records; and being more particularly described as: Beginning at a point on the easterly line of Scotten Avenue, 66 feet wide, distant S28°00'49"E 16.66 feet from the North line of said Lot 77 "Plat of the Subdivision of P.C. No. 563 for the Heirs of J.B. Campau" as recorded in Liber 1, Pages 94 & 95 of Plats, Wayne County Records; thence S28°00'49"E along the easterly line of Scotten Avenue, 781.88 feet; thence S61°59'11"W 66.00 feet to a point on the westerly line of Scotten Avenue also being the southwesterly corner of a parcel of land commonly known as 2860 Clark Street and tax parcel number 14010133; thence N28°00'49"W along the westerly line of Scotten Avenue, 781.88 feet; thence N61°59'11"E 66.00 feet to the Point of Beginning.

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:

First, said owners hereby grant to and for the use of the public easement or right-of-way over said vacated 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

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 the Public Lighting Department requires that no structures or barricades be built over PLD installations or on existing utility easement areas. As per PLD requirements, any structure proposed to be built shall maintain 10 feet horizontal clearance from the overhead PLD lines and installations also any structure proposed to be built shall maintain a minimum of 3 feet horizontal clearance and 12 inch vertical clearance from the PLD conduit bank and manholes. The contractor should take necessary precautions not to damage PLD utilities, if they plan to use heavy earth moving equipment. The contractor will be liable for any damages to any PLD underground facilities. PLD requires unrestricted easement rights with 24-hour heavy vehicle access in order to maintain their facilities; 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, the petitioner's fence, gate and barricade installations shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

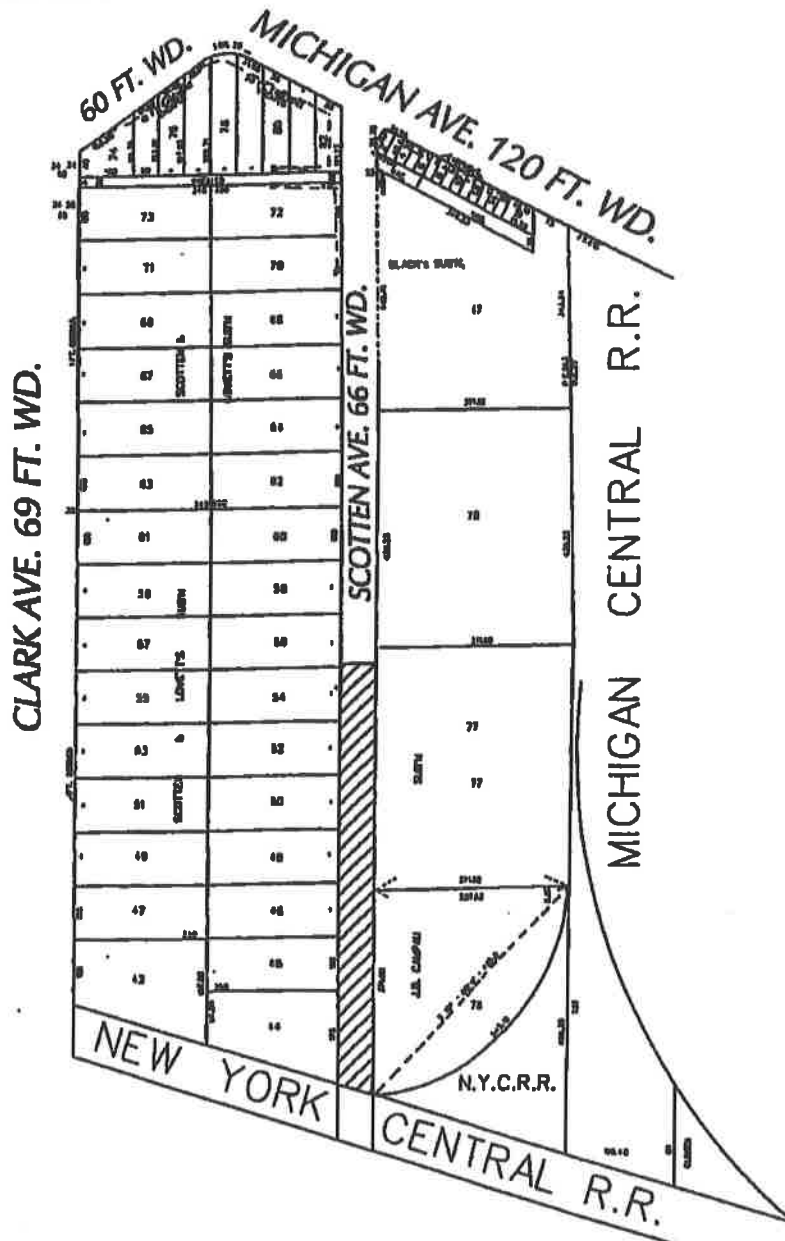
Provided, that Petitioner/developer shall be responsible to construct a vehicle turn-around for southbound Scotten just north of the closed portion and another for northbound Scotten just south of the of the closed portion. The said turn-arounds shall be constructed prior to the closing of the street after seeking necessary approval for the geometric design and location of the turn-arounds, and any other traffic control measures from DPW – Traffic Engineering Division; and

Provided, that the construction of the turn-arounds 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 turn-arounds, if constructed on private property, shall be dedicated as public rights-of-way or easements for vehicular traffic.

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. 374
 GENERAL DEVELOPMENT COMPANY LLC
 C/O CHRYSLER CORPORATION
 TWO TOWER SQUARE, SUITE 850
 SOUTHFIELD, MICHIGAN 48078
 C/O BRUCE BRICKMAN
 PHONE NO. 248 514-7111



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 12 A & F, 19 C & D

B										REQUEST TO CONVERT TO EASEMENT		CITY OF DETROIT	
A										A PORTION OF SCOTTEN AVE. 780 FT. 66 FT. WD.		CITY ENGINEERING DEPARTMENT	
DESCRIPTION		DRAWN		CHECKED		APPROVED		DATE		IN THE BLOCK BOUND BY		SURVEY BUREAU	
DRAWN BY		WLW		CHECKED						CLARK, MICHIGAN AVE., MICHIGAN CENTRAL R.R.		JOB NO. 01-01	
DATE		08-20-14		APPROVED						AND NEW YORK CITY R.R.		DRWG. NO. X374	