



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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February 23, 2016

Honorable City Council:

Re: Petition No. 437 – Midtown Detroit Inc. request to convert West Alexandrine and Second Avenue rights-of-way adjacent to 4128 Second into an easement or an outright vacation.

Petition No. 437 – Midtown Detroit Inc., request to vacate and convert to easement the easterly 10 feet of Second Avenue, 100 feet wide, between Alexandrine Avenue, 100 feet wide, and the east-west public alley, 20 feet wide, first north of Alexandrine Avenue. The request for vacation and conversion to easement of Alexandrine Avenue has been already done by the previous petition number 381 approved on July 21, 1015.

This request is being made to make certain improvements to the Second Avenue Market LLC a subsidiary of Midtown Detroit Inc. The area of the request is currently a parking lot along Alexandrine Ave.; and a sheltered shopping cart corral along Second Avenue.

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

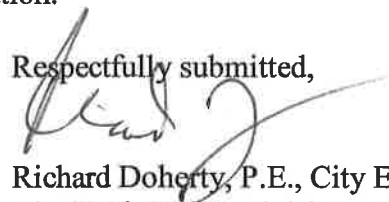
The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW.

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

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

JK/

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

BY COUNCIL MEMBER _____

RESOLVED, that the easterly 10 feet of Second Avenue, 100 feet wide lying westerly of and adjoining the westerly line of Lot 15, Block 95 and that part lying westerly of and adjoining the northerly 20 feet of Alexandrine Avenue, 100 feet wide, said part of Alexandrine Avenue vacated and converted to easement "Subdivision of part of the Cass Farm to be known as Blocks 89 to 96 inclusive" as recorded in Liber 1, page 175 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, 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 right-of-way 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 a minimum 6 feet clear unobstructed sidewalk shall be maintained at all times in the remaining portion of the open public right-of-way adjoining the easement; and be it further

Provided, that any work in the public right-of-way such as 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. 437
 MIDTOWN DETROIT
 3939 WOODWARD AVE.
 DETROIT, MICHIGAN 48201
 C/O SUSAN T. MOSEY
 PHONE NO. 313 420-6000

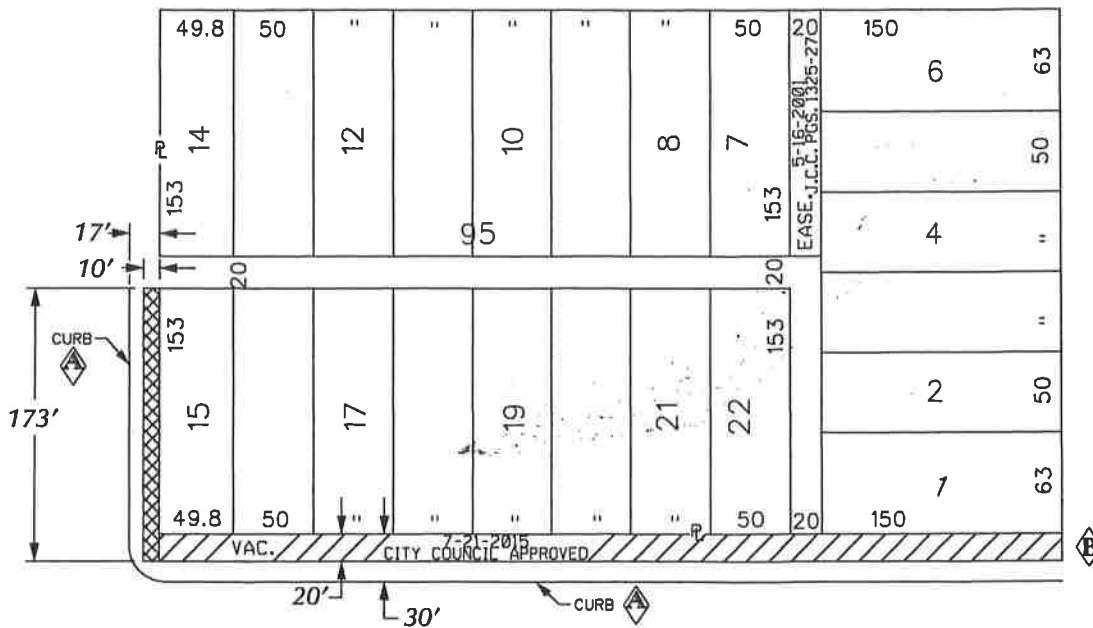


"REVISED"

SECOND AVE. 100 FT. WD.

WILLIS AVE. 100 FT. WD.

CASS AVE. 80 FT. WD.



ALEXANDRINE AVE. 100 FT. WD.



- VACATION



- REQUESTED VACATION

(FOR OFFICE USE ONLY)

CARTO 30 E

B	REVISED: ALEXANDRINE AVE. 20 FT. WD. HAS BEEN VACATED UNDER PETITION #437. CITY COUNCIL APPROVED ON 07/21/2015	WLW	KSM	KSM	2/17/16	REQUEST TO VACATE A PORTION OF ALEXANDRINE AVE., 17 FT. WD. AND A PORTION OF SECOND AVE., 10 FT. WD. IN THE BLOCK BOUND BY SECOND, WILLIS, CASS AND ALEXANDRINE AVE.	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU																																				
A	REVISED: ADDING A CURB LINE WITH DIMENSIONS FROM CURB TO PROPERTY LINE	WLW	KSM	KSM	2/5/16																																						
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