



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER  
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DETROIT, MICHIGAN 48226  
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February 14, 2017

Honorable City Council:

**RE: Petition No. 1030, Detroit Salt Company, request to vacate a small strip of land in the area between parcel #2005732-3 and the Detroit Salt Company site, 12841 Sanders.**

Petition No. 1030, Detroit Salt Company request for outright vacation of an alley in the block of Oakwood Boulevard, 86 feet wide, Bayside Avenue, 60 feet wide, Sanders Avenue, variable width and the Wabash Railroad right-of-way. Petition 1030 amended to outright vacate a portion of Dunkirk Avenue, 60 feet wide, and to vacate and convert to easement a portion of Dunkirk Avenue, all lying westerly of Sanders Avenue, and easterly of the Wabash Railroad right-of-way.

The request is being made in order to consolidate the properties for a future development. The Detroit salt Company development includes all of the land including the public rights-of-way in the area bounded by Greyfriars Avenue, Old Oakwood Avenue, Wabash Railroad right-of-way, and Sanders Avenue. Petition # 1029 requesting the vacation of the same small strip of land called for in this petition has been submitted to your Honorable Body on September 23, 2016. Petition # 1188 converting part of Dunkirk Avenue to easement was approved by your Honorable Body on July 11, 2007, J.C.C. pgs. 1861-1862. Petition # 931 will cover the remaining streets and alleys in the subject area, and a resolution is forthcoming.

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

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

AT&T reports being involved. The developer will need to contact AT&T for the relocation and removal of their facilities.

DTE Energy – Electric (DTE-E) reports being involved. The developer will need to remove or relocate their equipment and install required equipment for service.

DTE Energy – Gas reports that there are existing gas mains that will need to be relocated at the developer's expense.



The Detroit Water and Sewerage Department (DWSD) reports no objection if the petitioner agrees to relocate the sewers and water mains in accordance with the DWSD provisions for relocation at no cost to DWSD. The DWSD provisions are a part of the resolution.

The Planning and Development Department (P&DD) is involved, but has no objection to the property change. The entire site is in the process for re-zoning from Commercial and Residential to Industrial.

The Public Lighting Department and the Public Lighting Authority both report that they have no involvement in the petition.

All other city departments and utilities have reported no objections to the vacations and provisions for all utility relocations have been made a part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard Doherty', written over a horizontal line.

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

JMK/

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

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

**RESOLVED**, all of Dunkirk Avenue, 60 feet wide, south of the southwesterly line of Sanders Avenue, variable width, and north of the south line extended of the east-west public alley, 20 feet wide in the block of Dunkirk Avenue, Dumfries Avenue, 60 feet wide, Sanders Avenue, and the Wabash Railroad right-of-way, all in the City of Detroit, Wayne County, Michigan and being further described as: lying westerly of and adjoining the westerly line of Lots 227, 228 and part of Lot 229, also lying easterly of and adjoining the easterly line of Lots 247 and 248; also bounded on the south by the extended southerly line of the public alley, 20 feet wide in the block of Dunkirk Avenue, Dumfries Avenue, 60 feet wide, Sanders Avenue, variable width and the Wabash Railroad right-of-way, also bounded on the north by the southwesterly line of Sanders Avenue, variable width, all the above in "Irvine and Wise's Addition to Oakwood on P.C's 50, 524, and 119 T.2S-R.11E Ecorse Township (Now Detroit) Wayne County, Michigan" as recorded in Liber 18, Page 52 ½ of Plats, Wayne County Records.

Be and the same are hereby vacated as a public right-of-way and converted into a private easement for public utilities of the full width of the rights-of-way, 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 right-of-way 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 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 street return (into Sanders 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

**BE IT ALSO RESOLVED**, all of Dunkirk Avenue, 60 feet wide, north of the northeasterly line of the Wabash Railroad right-of-way and south of the south line extended of the east-west public alley, 20 feet wide in the block of Dunkirk Avenue, Dumfries Avenue, 60 feet wide, Sanders Avenue, and the Wabash Railroad right-of-way, all in the City of Detroit, Wayne County, Michigan and being further described as: lying westerly of and adjoining the westerly line of Lots 230 thru 241, both inclusive and part of Lot 229, also lying easterly of and adjoining the easterly line of Lots 242 thru 246, both inclusive; also bounded on the north by the extended southerly line of the public alley, 20 feet wide in the block of Dunkirk Avenue, Dumfries Avenue, 60 feet wide, Sanders Avenue, variable width and the Wabash Railroad right-of-way, also bounded on the south by the northeasterly line of the Wabash Railroad right-of-way, all the above in “Irvine and Wise’s Addition to Oakwood on P.C’s 50, 524, and 119 T.2S-R.11E Ecorse Township (Now Detroit) Wayne County, Michigan” as recorded in Liber 18, Page 52 ½ of Plats, Wayne County Records.

Be and the same are hereby vacated (outright) as public right-of-way to become part and parcel of the abutting property, subject to the following provisions:

PROVIDED, that petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services or granting of easements if necessary, and further

PROVIDED, that the petitioner contact AT&T at (888) 901-2779 for the cost of removal of their facilities; and further

PROVIDED, that petitioner/property owner make satisfactory arrangements with DTE Energy- Electric for the removal of their facilities. The developer will need to remove or relocate their equipment and install required equipment for service, and for more information contact DTE at 313 235-5172; and further

PROVIDED, that the petitioner contact DTE Energy Gas Company Public Improvement Department: Michael Fedele at 313-389-7211 (Supervisor) or Laura Forrester at 313-389-7261 (Gas Planner) for the estimated cost of abandoning/removing and/or relocating/rerouting, including the survey, design and drawing of the gas utilities; and further

PROVIDED, that the petitioner shall design and construct proposed sewers and water mains and to make connections to the existing public sewers and water mains as required by the Detroit Water and Sewerage Department (DWSD) prior to the construction of the proposed sewers and water mains; and further

PROVIDED, that the plans for the sewers and water mains shall be prepared by a registered engineer; and further

PROVIDED, that DWSD be and is hereby authorized to review the drawings for the proposed sewers and water mains and to issue permits for the construction of the sewers and water mains; and further

PROVIDED, that the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

PROVIDED, that the entire cost of the proposed sewers and water mains construction, including inspection, survey and engineering shall be borne by the petitioner; and further

PROVIDED, that the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

PROVIDED, that the petitioner shall grant to the City a satisfactory easement for the sewers and water mains; and further

PROVIDED, that the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; and further

PROVIDED, that the petitioner/property owner shall provide DWSD with as-built drawings on the proposed sewers and water mains; and further

PROVIDED, that the petitioner shall provide a (1) one year warranty for the proposed sewers and water mains; and further

PROVIDED, that upon satisfactory completion, the sewers and water mains shall become City property and become part of the City system. Any existing sewers and water mains that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City; and further

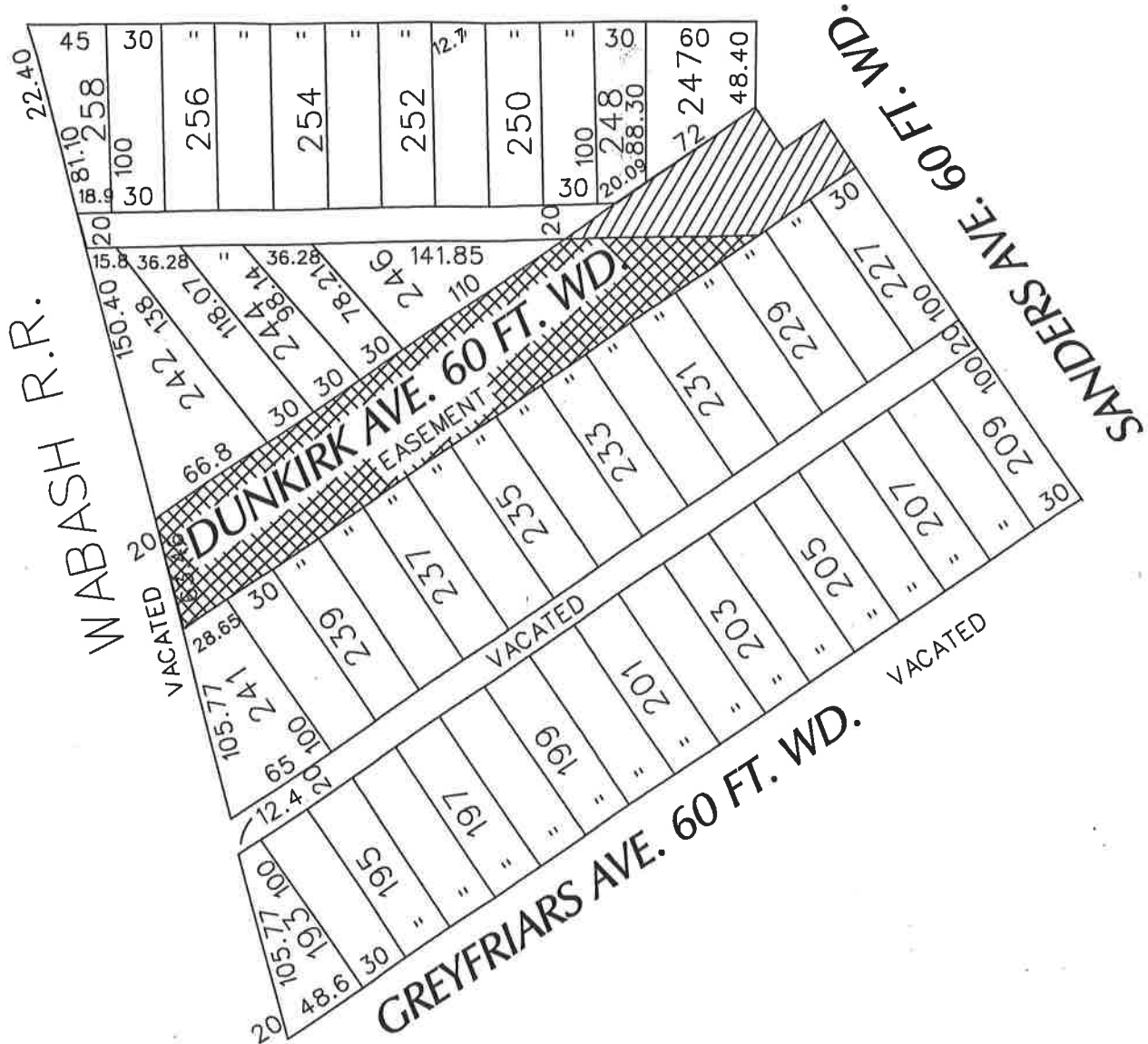
PROVIDED, that any construction in the public rights-of-way such as removal and construction of new driveways, curbs and sidewalks shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; 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. 1030  
 DETROIT SALT COMPANY  
 12841 SANDERS ST.  
 DETROIT, MICHIGAN 48217  
 C/O EMANUEL Z. MANOS  
 PHONE NO. 313 841-5144



DUMFRIES AVE. 60 FT. WD.



- OUTRIGHT VACATION



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 71 E & 72 B

<b>B</b>					
<b>A</b>					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	04-06-16	APPROVED			

REQUEST TO CONVERT TO EASEMENT  
 A PORTION OF DUNKIRK AVE., 60 FT. WD.  
 REQUEST TO OUTRIGHT VACATE A PORTION OF  
 DUNKIRK AVE., 60 FT. WD.  
 IN THE AREA BOUND BY  
 DUMFRIES, SANDERS, GREYFRIARS AVE.  
 AND WABASH R.R.

<b>CITY OF DETROIT</b>	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1030