



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

February 6, 2017

Honorable City Council:

Re: Petition No. 1131, RecoveryPark, request to vacate and convert to easement the east/west alley, 20 feet wide, located in the block surrounded by Kirby, Chene, Frederick and Dubois Streets.

Petition No. 1131 – RecoveryPark, request to vacate and convert to easement the east-west public alley, 20 feet wide, in the block bounded by Frederick Avenue, 60 feet wide, Kirby Avenue, 60 feet wide, Dubois Avenue, 50 feet wide and Chene Street, 66 feet wide.

This request is being made to facilitate RecoveryPark's Phase 1 project: Beta Farm.

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.

Public Lighting Department (PLD) reports involvement, but no objection stating that a couple spans of arc wire should be removed prior to converting to easement. A provision for the requested removal is a part of the 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.

All other involved City Departments, including, Public Lighting Authority 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.

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

BY COUNCIL MEMBER _____

RESOLVED, All that part of the east-west public alley, 20 feet wide, in the block bounded by Frederick Avenue, 60 feet wide, Kirby Avenue, 60 feet wide, Dubois Avenue, 50 feet wide and Chene Street, 66 feet wide, and described as: Land in the City of Detroit, Wayne County, Michigan being the east-west public alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 11 thru 19, both inclusive, and lying southerly of and adjoining the southerly line of Lots 20 thru 28, both inclusive "John S. Troester's Subdivision of out lot 45, James Campau Farm" as recorded in Liber 7, Page 98 of Plats, Wayne County Records; also lying northerly of and adjoining the northerly line of Lots 1 and 2, and lying southerly of and adjoining the southerly line of Lots 13 and 14, Block 83 "Freud & Wunsch's Subdivision of Blocks 69 to 84 inclusive of the Subdivision of the West Half of P.C.91 lying North of Fremont St. (Now Canfield)" as recorded in Liber 8, page 9 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public alley and 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 an easement or right-of-way over said vacated public 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 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 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 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 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 the Public Lighting Department (PLD) shall have 24-hour unimpeded heavy truck access way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing PLD facilities contained therein including the existing spans of arc wire, and be it 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. 1131
 RECOVERYPARK
 5470 CHENE ST.
 DETROIT, MICHIGAN 48211
 C/O GARY WOZNAK
 PHONE NO. 313 737-3710



KIRBY AVE. 60 FT. WD.

DUBOIS AVE. 50 FT. WD.

CHENE ST. 66 FT. WD.

31	31.18	12	100	17	30	30	28	"	"	"	"	"	"	"	28	19	100	7	35.09
"	31								JOHN				S.						
"	"	10			13	14	20	22		24		26		28			3	"	
"	"				145.09				TROESTER'S					145.09			5	"	
"	"	8			145.09									145.09				"	
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"	"				2	7	19	17			15	13		11				"	
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31	31	3	100	17	30	30	28	"	"	"	"	"	"	"	28	19	100	10	35.09

FREDERICK AVE. 60 FT. WD.



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 40 B

B					REQUEST TO CONVERT TO EASEMENT THE EAST/WEST PUBLIC ALLEY, 20 FT. WD. IN THE BLOCK BOUND BY FREDERICK, DUBOIS, KIRBY AVE. AND CHENE ST.	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU
	A					
DESCRIPTION		DRWN	CHKD	APPD	DATE	JOB NO. 01-01 DRWG. NO. X 1131
REVISIONS						
DRAWN BY WLW		CHECKED				
DATE 05-18-16		APPROVED				