



July 28, 2017

Honorable City Council:

Re: Petition No. 1202 – 248 East Baltimore LLC request an easement to vacate the city owned alley on the South side of Baltimore Street between John R. and Brush Streets, Detroit, MI. 48202 as well as current dedicated alley.

Petition No. 1202 – East Baltimore LLC., request to vacate and convert to easement all remaining alleys in the Block of John R. Street, 60 feet wide, Brush Street, 60 feet wide, Baltimore Avenue, 60 feet wide, and Grand Trunk Railroad right-of-way. The request was revised to vacate and convert to easement part of the east-west alley lying westerly of the north-south alley in the above said block.

This request is being made to consolidate properties and for a new housing development.

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) and Public Lighting Authority (PLA) report no involvement.

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, 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, part of the east-west alley lying westerly of the north-south alley in the block of John R. Street, 60 feet wide, Brush Street, 60 feet wide, Baltimore Avenue, 60 feet wide, and Grand Trunk Railroad right-of-way and being more particularly described as: The east-west alley, 20 feet wide, lying northerly of and adjoining the northerly line of the Grand Trunk Railroad right-of-way and lying southerly of and adjoining the southerly line of Lots 97, 98 and 99, and the easterly 10 feet of Lot 96 and the westerly 10 feet of Lot 100 "Patrick McGinnis Subdivision of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of McCunes Sub'n of part of Fractional Section 31 in the City of Detroit, Wayne County, Michigan" as recorded in Liber 4, Page 93 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public right-of-way and converted into private easement for public utilities of the full width of the right-of-way, which easements 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 rights-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 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

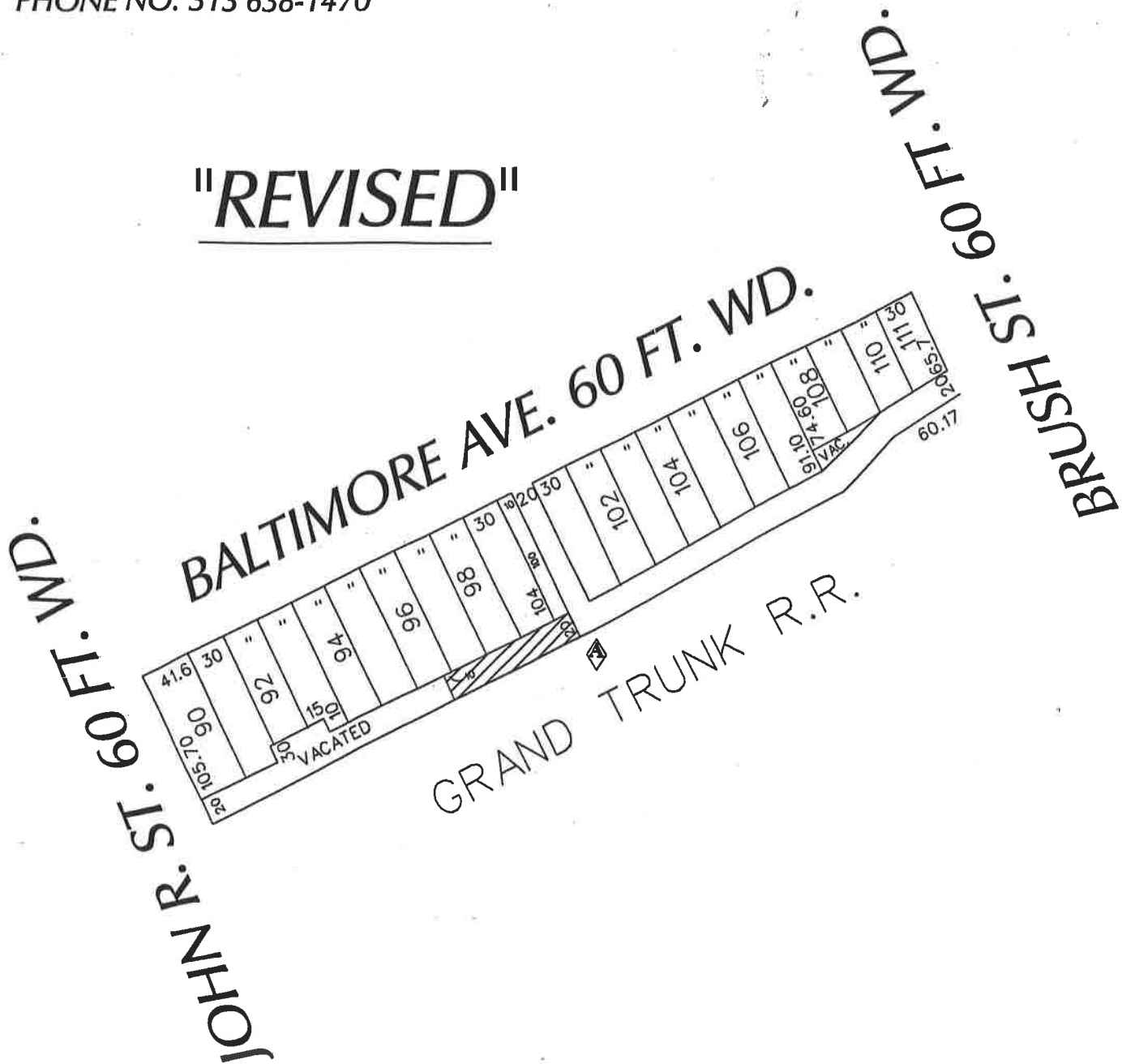
Provided, that if any time in the future, the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation. It is further provided that if sewers, 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 1202
 248 EAST BALTIMORE LLC
 C/O JACOBS STREET
 P.O. BOX 160
 DETROIT, MICHIGAN 48207
 C/O EDWARD SIEGEL
 PHONE NO. 313 638-1470



"REVISED"



- VACATE TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 31 F

B					
A	SCALED BACK VACATE TO EASEMENT TO THE BEGINNING OF THE NORTHSOUTH PUBLIC ALLEY.	WLW	KSM	KSM	7/25/17
	DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	07-06-16	APPROVED			

REQUEST TO VACATE TO EASEMENT
 THE EAST PORTION OF THE
 EAST/WEST PUBLIC ALLEY, 20 FT. WD.
 IN THE BLOCK BOUND BY
 BALTIMORE AVE., JOHN R., BRUSH ST.
 AND GRAND TRUNK R.R.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1202