



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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

June 9th, 2020

Honorable City Council:

RE: Petition No. 1240 — Crossroads Consulting, request to convert to easement the alley located adjacent to property at 634 Selden and runs perpendicular to Selden Avenue.

Petition No. 1240 from the year 2017 - City of Detroit – Department of Public Works, request a revision to the previously adopted resolution to outright vacate the alley (14.75 ft. wide) adjacent to 634 Selden and runs perpendicular to Selden Avenue (100 ft. wide).

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

The request for revision is being made as a result of the conditions of the outright vacation not being met. Said conditions set for the outright vacation were for the City of Detroit to bear the costs of removing utility services located within the alley. After approval of petition x1240 the City of Detroit sold the alley to the property owner of 628 Selden in a Quit Claim deed. The new owner cannot bear the costs of utility removal and has request that this petition be amended to convert the alley to utility easement.

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

All other involved City Departments, and privately owned utility companies have reported no objections to the conversion to easement.

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 _____

Whereas, On July 5th, 2017, your Honorable Body adopted a resolution Crossroads Consulting in which the alley abutting 634 Selden was outright vacated, and

Whereas, at this time the City of Detroit desires to have a utility easement established within said alley, therefore be it

RESOLVED, that all of the north-south alley (14.75 feet wide) first west of Second Boulevard (100 ft. wide) in the block of Selden Avenue (100 ft. wide), Alexandrine Avenue (100 ft. wide), Third Avenue (70 ft. wide), and Second Boulevard (100 ft. wide) and further described as lying easterly of and adjoining the easterly line of Lot 20, Block 94 "Subdivision of part of Cass Farm" as recorded in Liber 1, Pages 175-177; also lying westerly of and adjoining the westerly of and adjoining the westerly line of Lots A, B, C, D, E, and F "Subdivision of Lots 17, 18, and 19 of Block 94 of Cass Farm" as recorded in Liber 4, Page 11 of Plats, Wayne County Records.

Be and the same are hereby converted to utility easement, subject to the following conditions and provisions:

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 right-of-way in the City of Detroit, with the right to ingress and egress at any time 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, 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 (except necessary line fences or gates), 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 alleys 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 property owners maintain for DTE Energy, full access to their facilities at all times (i.e. gated access with DTE locks at all ends of the easement) and that free and easy access to the DTE facilities is reserved for DTE 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 DTE facilities, and further

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 the 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 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 the 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 if it becomes necessary to remove the paved alley returns at the entrances such removal and construction of the new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specification with all costs borne by the abutting owner(s), their heirs 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.

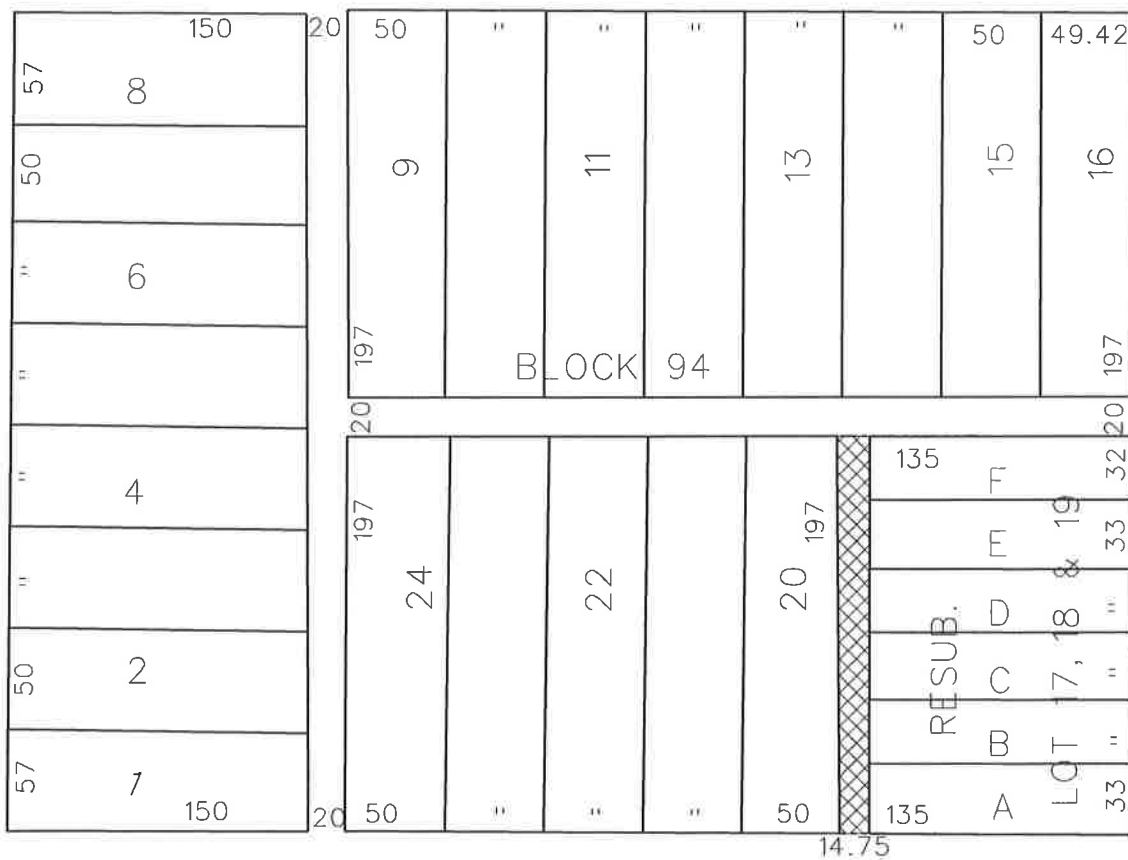
PETITION NO. 1240
 CROSSROADS CONSULTING
 155 WEST CONGRESS ST., SUITE 300
 DETROIT, MICHIGAN 48226
 C/O CHRIS KELLY
 PHONE NO. 214 316-8631



"REVISED"

ALEXANDRINE AVE. 100 FT. WD.

THIRD AVE. 70 FT. WD.



SECOND BLVD. 100 FT. WD.

SELDEN AVE. 100 FT. WD.



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 29 B

B				
A	REVISE: CONVERSION TO EASEMENT	KJ	JD	06/02/20
DESCRIPTION		DRWN	CHKD	APPD
REVISIONS				
DRAWN BY	WSM	CHECKED		
DATE	08-12-16	APPROVED BY		

CONVERSION TO EASEMENT OF THE NORTH/SOUTH PUBLIC ALLEY 14.75 IN THE BLOCK BOUND BY SELDEN, THIRD, ALEXANDRINE AVE. AND SECOND BLVD.

CITY OF DETROIT	
CITY ENGINEERING DIVISION	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1240