



November 14, 2017

Honorable City Council:

**RE: Petition No. 1259 SAAD Wholesale Meats to outright vacate portions of the public rights-of-way at the alley, 15 feet wide, 120 feet long in the block bounded by Orleans, and St Aubin, Alfred and Wilkins.**

Petition No. 1259 by SAAD Wholesale Meats to outright vacate and subsequently revised to vacate and convert to easement the north-south public alley, 16 feet wide, in the block bounded by Alfred Street, 50 feet wide, Brewster Street, 50 feet wide, Orleans Street, 50 feet wide and Grand Trunk Railroad right-of-way now known as the Dequindre Cut.

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

This petition is being submitted for **Reconsideration by your Honorable Body**. The Department of Public Works is not recommending approval of the closure, due to the fact that abutting property owner is not supportive. Our original submittal did not recommend approval, instead the intent was to make Council aware of the concerns, so that they could make decision to approve or not approve.

The request is being made to consolidate properties for a business expansion project.

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.

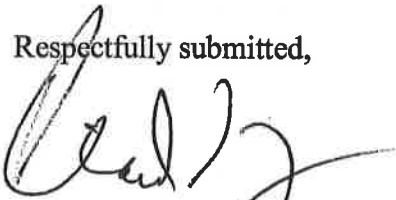
Lycaste Properties, LLC owners of 2902 Orleans Street, a parcel of land adjoining the subject alley, through their attorney, Peggy Kathleen Madden, Attorney at Law, has objected to the alley closure. Prior to our submittal of the attached resolution DPW – City Engineering Division will notify:



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Peggy Kathleen Madden  
Attorney at Law  
500 Griswold, Suite 2450  
Detroit, Michigan 48226  
(734) 552-9973  
peggykmadden@comcast.net

The attached resolution granting the request is submitted for your reconsideration.

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 north-south public alley, 16 feet wide, in the block bounded by Alfred Street, 50 feet wide, Brewster Street, 50 feet wide, Orleans Street, 50 feet wide and Grand Trunk Railroad right-of-way now known as the Dequindre Cut and further described as land in the City of Detroit, Wayne County, Michigan being the above said public alley as opened by Jury for the full 16 foot width, and confirmed March 14, 1870, and more particularly described as lying easterly of and adjoining the easterly line of Lots 7 through 11, both inclusive "Lingeman's Subdivision of part of Out Lot 7, Dequindre Farm" as recorded in Liber 1, Page 160 of Plats, Wayne County Records and lying westerly of and adjoining the westerly line of Lot 15 "Subdivision of the eastern part of Lot 7, Dequindre Farm, North of the Gratiot Road" as recorded in Liber 1, Page 279 of Plats, Wayne County Records; also lying westerly of and adjoining the easterly 143 feet of the northerly 110 feet of part of Lot 7 lying southerly of and adjoining Brewster Street, 50 feet wide, and westerly of and adjoining Dequindre Street, 30 feet wide "Subdivision of the Rear of the A. Dequindre Farm for the Administration of the Estate of Antoine Rivard" as recorded in Liber 15 of City Records, Page 348 & 349, 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 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 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 (except necessary line fences), 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 if it becomes necessary to remove the paved alley returns at the entrances (into Brewster Street, or Alfred Street) 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

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. 1259  
 SAAD WHOLESALE MEATS  
 2814 ORLEANS ST.  
 DETROIT, MICHIGAN 48126  
 C/O SUMMER SAAD  
 PHONE NO. 313 671-3957

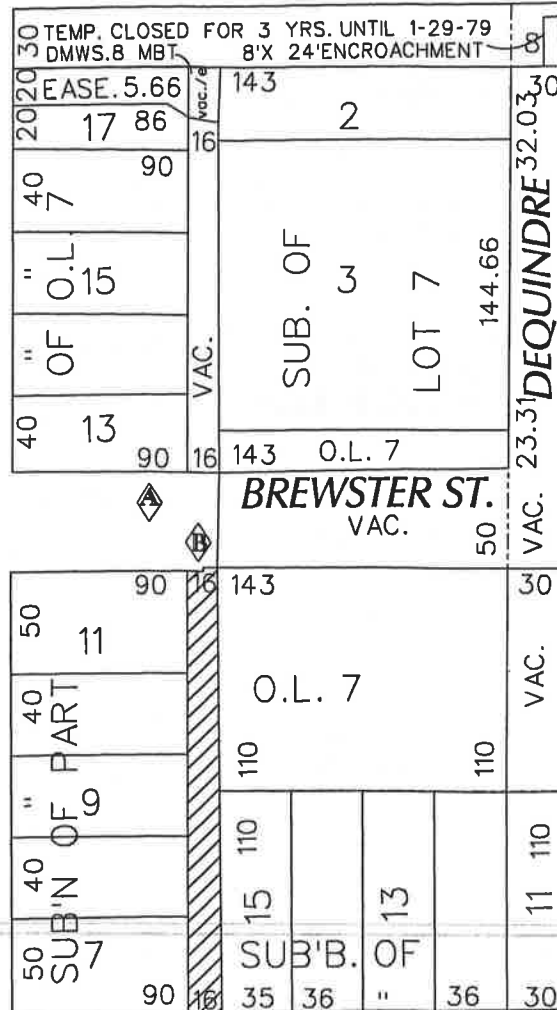
**"REVISED"**



**WILKINS ST. 50 FT. WD.**

JAN. 21, 1979 J.C.C. PGS. 103-05

**ORLEANS ST. 50 FT. WD.**



**GRAND TRUNK R.R.**

**ALFRED ST. 50 FT. WD.**  
 EASEMENT



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 39 D

<b>B</b>	CHANGE PETITION REQUEST FROM OULTRIGHT VACATION TO CONVERSION TO EASEMENT	WLW	KSM	KSM	4/02/17
<b>A</b>	REMOVING OULTRIGHT VACATION FROM BREWSTER ST.	WLW	KSM	KSM	3/22/17
<b>REVISIONS</b>					
<b>DESCRIPTION</b>	<b>DRWN</b>	<b>CHKD</b>	<b>APPD</b>	<b>DATE</b>	
<b>DRAWN BY</b>	WLW	<b>CHECKED</b>			
<b>DATE</b>	08-29-16	<b>APPROVED</b>			

**REQUEST TO CONVERT TO EASEMENT  
 THE NORTH/SOUTH PUBLIC ALLEY, 16 FT. WD.  
 IN THE AREA BOUND BY  
 ALFRED, ORLEANS, WILKINS ST.  
 AND GRAND TRUNK R.R.**

<b>CITY OF DETROIT    CITY ENGINEERING DEPARTMENT    SURVEY BUREAU</b>	
<b>JOB NO.</b>	01-01
<b>DRWG. NO.</b>	X 1259