



August 29, 2017

Honorable City Council:

**Re: Petition No. 1266 – Detroit International Bridge Company, request an outright vacation with easements of W. Lafayette Avenue west of Ste. Anne and the north-south alley between Howard Street and Lafayette Avenue.**

Petition No. 1266 –Detroit International Bridge Company (DIBC), request to vacate and convert to easement the North ½ of West Lafayette Boulevard, 70 feet wide, from Ste. Anne Street, 60 feet wide, to the west line of the north-south alley, 20 feet wide, 1<sup>st</sup> west of Ste. Anne Street; also the north-south alley, 20 feet wide, 1<sup>st</sup> west of Ste. Anne Street from Lafayette Boulevard to Howard Street, 50 feet wide.

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

This request is being made to consolidate the property, and allow a better truck traffic flow through the international bridge crossing.

Your Honorable body previously vacated the southerly ½ of Lafayette Boulevard from Ste. Anne Street to the to the west line of the north-south alley, 20 feet wide, 1<sup>st</sup> west of Ste. Anne Street on May 5, 2004 (J.C.C. pages 1453-1458). The petition was No. 1866 as requested by DIBC.

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

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.

Planning and Development Department (P&DD) will be involved if there is a rezoning or if subsequent hearings are necessary for the existing and proposed Customs plaza and booths located within the R2 and R3 zoning districts. HDC staff in P&DD may also be involved in an advisory role for design and screening considerations. Provisions for the P&DD involvement are a part of the attached resolution.

DTE – Energy - electric report involvement and need to maintain unrestricted access to DTE infrastructure. Any restriction will impact the reliability and ability to maintain the system. A provision for DTE – Energy to have unrestricted access is made a part of the resolution.



All other involved City Departments, including, Public Lighting Authority and Public Lighting Department, also privately owned utility companies have reported no objections to the conversion of the public rights-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,

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**, that the North ½ of West Lafayette Boulevard, 70 feet wide, from Ste. Anne Street, 60 feet wide, to the west line of the north-south alley, 20 feet wide, 1<sup>st</sup> west of Ste. Anne Street; also the north-south alley, 20 feet wide, 1<sup>st</sup> west of Ste. Anne Street from Lafayette Boulevard to Howard Street, 50 feet wide, all being land in the City of Detroit, Wayne County, Michigan described as:

- 1) The northerly 35 feet of West Lafayette Boulevard 70 feet wide, from Ste. Anne Street, 60 feet wide, to the west line of the north-south alley, 20 feet wide, 1<sup>st</sup> west of Ste. Anne Street and lying northerly of and adjoining the northerly line of that part of West Lafayette Boulevard that was vacated and converted to easement on May 5, 2004 (J.C.C. pages 1453-1458) and lying southerly of the southerly line of the northerly 24 feet of Lot 13 and the full width of the public alley, 20 feet wide, lying between the northerly 24 feet of Lot 13 and the northerly 24 feet of Lot 28, all in Block 1 of "Plat of Whitewood and Cargills' Subdivision of the West half of the Loranger Farm in the twp. of Springwells (Now Detroit), Wayne County, Michigan, North of Fort Street & South of the M.C.R.R. being part of P.C. No. 474" as recorded in Liber 56, Page 269 of Deeds, Wayne County Records. The above said being a part of Lafayette Boulevard that was deeded and opened by resolution on June 16, 1885.
- 2) All of the north-south public alley, 20 feet wide, in the Block of Lafayette Boulevard, 70 feet wide, Howard Street, 50 feet wide, Ste. Anne Street, 60 feet wide, and Twentieth Street, 50 feet wide (vacated and converted to easement April 15, 1992, J.C.C. pages 818-821) lying easterly of and adjoining the easterly line of Lots 21 through 27, both inclusive and the southerly 24 feet of Lot 28, also lying westerly of and adjoining the westerly line of Lots 14 through 20, both inclusive and the northerly 24 feet of Lot 13, all in Block 1 of "Plat of Whitewood and Cargills' Subdivision of the West half of the Loranger Farm in the twp. of Springwells (Now Detroit), Wayne County, Michigan, North of Fort Street & South of the M.C.R.R. being part of P.C. No. 474" as recorded in Liber 56, Page 269 of Deeds, Wayne County Records.

Be and the same is hereby vacated as a public street and alley and converted into a private easement for public utilities of the full width of the street and 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 street and 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 street or 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 street and 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 street and 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 street and 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 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 there is a rezoning or if subsequent hearings are necessary for the existing and proposed Customs plaza and booths located within the R2 and R3 zoning districts the petitioner shall make such changes with the Planning and Development Department (P&DD). Historic District Commission staff in P&DD shall be involved in an advisory role for design and screening considerations, and further

Provided, that DIBC shall give DTE – Energy - electric unrestricted access to DTE infrastructure for maintenance including repair and replacement of their facilities, and further

Provided, that the petitioner shall remove the existing pavement and construct a new curb and sidewalk along the west side of Ste. Anne Street at Lafayette Boulevard and, 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 if it becomes necessary to remove the paved alley return at the entrance (into Howard 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. 1266  
 DETROIT INTERNATIONAL  
 BRIDGE COMPANY  
 2660 W. FORT ST.  
 DETROIT, MICHIGAN 48216  
 C/O DAN STAMPER  
 PHONE NO. 586 939-7000 EXT. 2767

**HOWARD ST.  
 50 FT. WD.**



**"REVISED"**

**50 FT. WD.**

**W. LAFAYETTE BLVD.  
 70 FT. WD.**

**20TH ST.**

**STE. ANNE ST. 60 FT. WD.**



- CONVERSION TO EASEMENT

**W. FORT ST. 100 FT. WD.**

CARTO 18 B & E

<b>B</b>					
<b>A</b>	CHANGE TO CONVERSION TO EASEMENT	WLW	KSM	KSM	3/10/17
<b>DESCRIPTION</b>		<b>DRWN</b>	<b>CHKD</b>	<b>APPD</b>	<b>DATE</b>
<b>REVISIONS</b>					
<b>DRAWN BY</b>	WLW	<b>CHECKED</b>			
<b>DATE</b>	10-06-16	<b>APPROVED</b>			

REQUEST CONVERSION TO EASEMENT  
 THE NORTH/SOUTH PUBLIC ALLEY, 20 FT. WD.  
 AND A PORTION OF W. LAFAYETTE BLVD. 70 FT. WD.  
 IN THE AREA BOUND BY  
 20TH, HOWARD, STE. ANNE  
 AND W. FORT ST.

<b>CITY OF DETROIT</b>	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
<b>JOB NO.</b>	01-01
<b>DRWG. NO.</b>	X 1266