



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

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September 5, 2017

Honorable City Council:

**Re: Petition No. 1291, Giffels Webster, request to vacate the surface of portions of the public alley right-of-way bounded by W. Adams Avenue, Park Avenue, Bagley Avenue, and Clifford Street.**

Petition No. 1291 – Giffels Webster on behalf of ODM Parking Properties, LLC and 136 Bagley, LLC, request to vacate and convert to subsurface easement the east-west public alley, 20 feet wide and variable width, in the block bounded by West Adams Avenue, 60 feet wide, Park Avenue, 60 feet wide, Bagley Avenue, 120 feet wide, and Clifford Street, 60 feet wide.

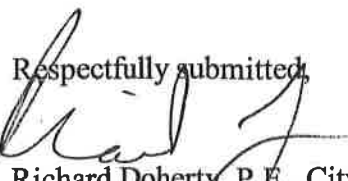
This request is being made for use with the existing surface parking lot.

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.

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 Public Lighting Department, also 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.

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**, that the east-west public alley, 20 feet wide and variable width, in the block bounded by West Adams Avenue, 60 feet wide, Park Avenue, 60 feet wide, Bagley Avenue, 120 feet wide, and Clifford Street, 60 feet wide, being all of the remaining alley in said block including a triangular part deeded to the City of Detroit for alley purposes on January 18, 1927 all being land in the City of Detroit, Wayne County, Michigan, and lying northerly of and adjoining the northerly line of Lot 67 and part of Lots 24 and 25 and lying southerly of and adjoining the southerly line of Lots 16, 17, 18 and part of Lot 19 "Governor and Judges Plan of Section No.12 of the City of Detroit ' I hereby certify this Plat to be a true copy of the Governor and Judges excepting that the sizes of the Lots have been added. A. E. Hathon, Surveyor' Detroit, May 3, 1849" as recorded in Liber 34, Page 555 of Deeds, Wayne County Records, and further described as follows: Beginning at the southwesterly corner of said Lot 16; thence southerly 20 feet to the northwesterly corner of said Lot 67; thence along the northerly line of said Lot 67 a distance of 159.67 feet to the southwesterly corner of the triangular part of said Lot 67 deeded to the City of Detroit for alley purposes on January 18, 1927; thence N89°52"E along the southerly line of said triangle 9.33 feet; thence N89°52"E along the northerly line of the vacated alley in that same block vacated on November 30, 1926 a distance of 5.99 feet; thence S59°37'E continuing along the northerly line of said vacated alley, 14.80 feet to the westerly line of said Lot 25; thence N30°E along said Lot line, 9.50 feet to the southwesterly corner of said Lot 24; thence N30°E along the westerly line of said Lot 24 a distance of 17.39 feet; thence N60°W along the southerly line of the triangular part of the alley vacated on October 24, 1922 to a point on the southerly line of said Lot 19; thence southwesterly along the southerly line of said Lots 19, 18, 17 and 16 to the southwesterly corner of said Lot 16 and the point of beginning.

Be and the same is hereby vacated as a public alley and converted into a private subsurface 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 conduit, electric light conduit or things usually placed or installed at or below surface grade in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said subsurface 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 conduits or any utility facility placed or installed in the subsurface 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 subsurface 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 subsurface 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 subsurface 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 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 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

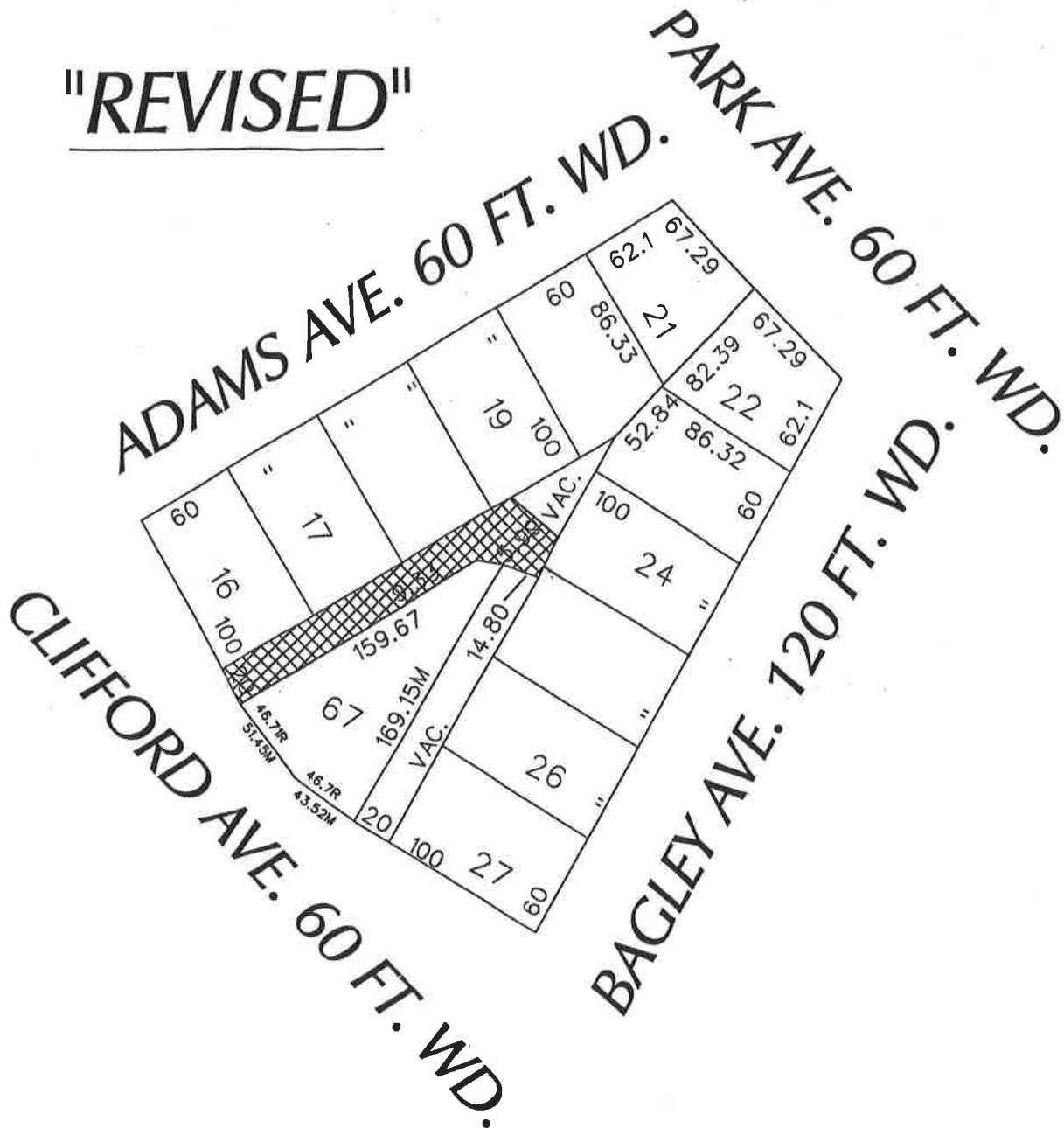
Provided, that if it becomes necessary to remove the paved alley return at the entrance (into Clifford Street) such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the 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. 1291  
 GIFFELS WEBSTER  
 28 W. ADAMS, SUITE 1200  
 DETROIT, MICHIGAN 48226  
 C/O BRIAN ELLISON  
 PHONE NO. 313 397-5863



**"REVISED"**



CONVERSION TO EASEMENT  
 (Underground Only)

(FOR OFFICE USE ONLY)

CARTO 28 B

<b>B</b>						<b>CONVERSION TO EASEMENT          (Underground Only)</b> <b>THE EAST/WEST PUBLIC ALLEY VARIOUS WIDTHS          IN THE BLOCK BOUND BY          CLIFFORD, ADAMS, PARK          AND BAGLEY AVE.</b>	<b>CITY OF DETROIT          CITY ENGINEERING DEPARTMENT          SURVEY BUREAU</b>	
<b>A</b>	CHANGING TERMINOLOGY TO CONVERSION TO EASEMENT (Underground Only)	WLW	KSM	KSM	4/21/17		JOB NO. 01-01	
DESCRIPTION		DRWN	CHKD	APPD	DATE		DRWG. NO. X 1291	
<b>REVISIONS</b>								
DRAWN BY WLW		CHECKED						
DATE 02-27-17		APPROVED						