



June 1, 2018

Honorable City Council:

RE: Petition No. 1335 Prince Concepts LLC, request to vacate alley between 2456 W. Hancock and 4803-4883 16th Street.

Petition No. 1335 by Prince Concepts LLC to vacate and convert to easement the north-south public alley, 20 feet wide, in the block bounded by Hancock Avenue, 70 feet wide, West Warren Avenue, 100 feet wide, 17th Street, 60 feet wide, Grand River Avenue, 100 feet wide, and 16th Street, 60 feet wide.

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

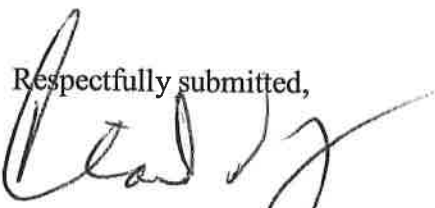
The request is being made to consolidate property for development and to prevent blight on an unused dead-end alley.

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, 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

/JK

Cc: Ron Brundidge, Director, DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, that all of the north-south public alley, 20 feet wide, and the 12 foot by 25 foot turnaround in the block bounded by Hancock Avenue, 70 feet wide, West Warren Avenue, 100 feet wide, 17th Street, 60 feet wide, Grand River Avenue, 100 feet wide, and 16th Street, 60 feet wide, being land in the City of Detroit, Wayne County, Michigan lying westerly of and adjoining the westerly line of Lot 599 and the northerly 11.20 feet of Lot 598 "John W. Johnston's Subdivision of that part of Private Claim No.44 lying between the Chicago and Grand River Roads in the township of Springwells, (Now Detroit), Wayne County, Michigan" as recorded in Liber 68, pages 2 & 3 of Deeds, Wayne County Records; also lying westerly of and adjoining the westerly line of the southerly 63.87 feet of Lot 1 "Stotts' re-subdivision of part of the Stanton and LaFontaine Farms lying between Warren, Grand River & Hancock Avenues and 16th and 17th Streets" as recorded in Liber 21, Page 91 of Plats, Wayne County Records; also lying easterly of and adjoining the easterly line of Lot 820 "Stanton's Subdivision of that part of P.C. 473 known as the Stanton Farm lying between Buchanan St. Grand River Ave. and the D.M.&T. R.R. Property, City of Detroit, Wayne County, Mich." as recorded in Liber 10, Page 16 of Plats, Wayne County Records; also that part of the alley deeded to the City of Detroit for a turnaround at the end of the alley on May 27, 1913 described as follows: "The north twenty-five (25) feet of the east twelve (12) feet of lot eight hundred and twenty (820) of "Stanton's Subdivision of that part of private claim 473, known as the Stanton Farm lying between Buchanan street and Grand River avenue and the D.M.& T. R.R. property according to the plat recorded in Liber 10 of plats, on page 16, 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

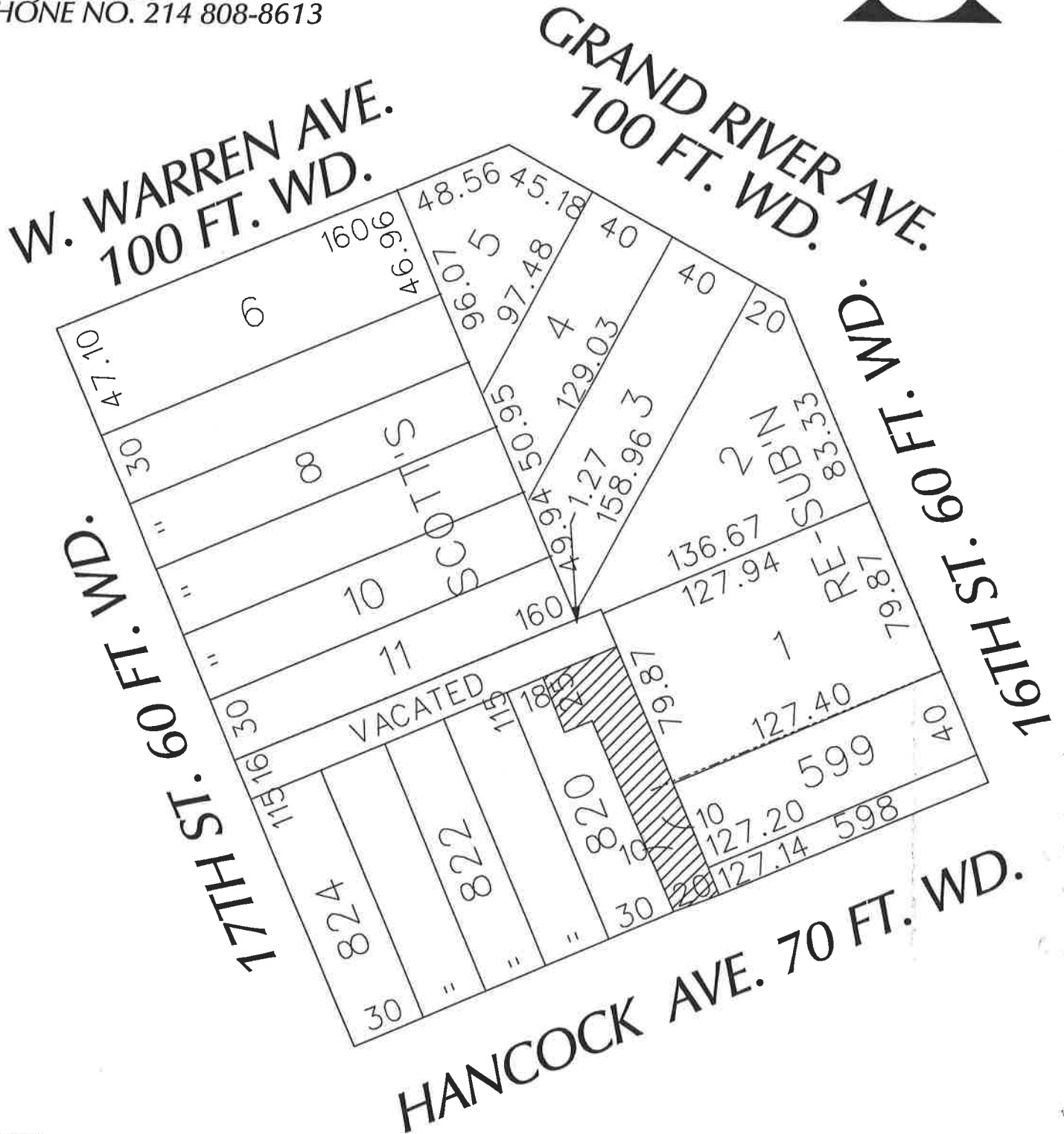
Provided, that if any time in the future, the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of the aforementioned utilities in said easement,

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 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 Hancock Avenue) 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. 1335
 PRINCE REALTY LLC
 4704 16TH ST.
 DETROIT, MICHIGAN 48208
 C/O JOE LERER
 PHONE NO. 214 808-8613



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 20 A

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	01-12-17	APPROVED			

REQUEST TO CONVERT TO EASEMENT
 THE NORTH/SOUTH PUBLIC
 ALLEY, VARIOUS WIDTHS
 IN THE BLOCK BOUND BY
 15TH, 16TH ST., W. WARREN
 AND GRAND RIVER AVE.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1335