



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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December 8, 2017

Honorable City Council:

Re: Petition No. 981 Giffels Webster request to vacate the surface portions of the public alley right-of-way within the blocks bounded by Grand River Avenue, W. Adams Avenue, Clifford St. and W. Columbia Street.

Petition No. 981 – Giffels Webster on behalf of Olympia Development of Michigan LLC request to vacate and convert to subsurface easement the east-west public alley, 20 feet wide, in the block of Elizabeth Street, 60 feet wide, Columbia Street, 60 feet wide, Cass Avenue, 71 feet wide and Clifford Street, 60 feet wide, also the east-west and north-south public alley, 20 feet wide in the block of Adams Street, 60 feet wide, Elizabeth Street, Grand River Avenue, 100 feet wide and Cass Avenue.

This request is being made to consolidate the land parcels and develop them for surface parking.

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 and the he 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. Public Lighting Department (PLD) reports involvement but no objection and a provision for the return of PLD's luminaires and bracket arms is a part of the attached resolution.

DTE Energy-Electric (DTE) reports involvement with an estimated cost of \$33,964.23 for removal and relocation of their above ground facilities. A provision for the removal of the DTE facilities at cost to be borne by the petitioner is a part of 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 subsurface 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

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 in the block of Elizabeth Street, 60 feet wide, Columbia Street, 60 feet wide, Cass Avenue, 71 feet wide and Clifford Street, 60 feet wide, also the east-west and north-south public alley, 20 feet wide, in the block of Adams Street, 60 feet wide, Elizabeth Street, Grand River Avenue, 100 feet wide and Cass Avenue and further described as:

- 1) Land in the City of Detroit, Wayne County, Michigan being the east-west public alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 108, 109, 110, 111, 112 and vacated Cass Avenue adjoining said Lot 112; and lying southerly of and adjoining the southerly line of Lots 113, 114, 115, 116, and 117 and the vacated Cass Avenue adjoining said Lot 113, all in "Plat of Park Lots 84, 85, and 86" as recorded in Liber 7, Page 27 of Deeds, Wayne County Records.
- 2) Land in the City of Detroit, Wayne County, Michigan being the east-west and north-south public alley, 20 feet wide, from the southerly line of Elizabeth Street to the westerly line of Cass Avenue, and lying northerly of and adjoining the northerly line of Lots 1, 8, and 9 and lying easterly of and adjoining the easterly line of Lots 5, 6, 7, and 8 all in Block 73 "Plat of the Subdivision of part of the Cass Farm, North of Grand River Road" as recorded in Liber 1, Page 74 of Plats, Wayne County Records; also lying southerly of and adjoining the southerly line of Lots 1, 2, and 3 and lying westerly of and adjoining the westerly line of said Lot 3 "Subdivision of Lots 2 & 3 Block 73 of the Subdivision of the Cass Farm" as recorded in Liber 1, Page 113 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public right-of-way and converted into private subsurface 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 things usually placed or installed below grade 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 conduit 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 the petitioner make the necessary arrangements with DTE Energy for the removal and relocation of their facilities in the alleys with the cost to be borne by the property owner or their assigns. The estimated cost from DTE is \$33,964.23 for the removal of their existing equipment, and for more information contact Kimberly Tassen, right-of-way facilitator at (313) 235-4458; and further

Provided, that Public Lighting Department (PLD) requires the return of the two luminaires and two bracket arms via the PLD contact: Denise Williams, Senior Assistant Mechanical Engineer at (313)267-7216; 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 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 981
 GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O DEIRDRE CLEIN
 PHONE NO. 313 962-4442



COLUMBIA ST. 60 FT. WD.

CASS AVE.

CLIFFORD ST. 60 FT. WD.

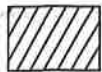
60 FT. WD.

ELIZABETH ST.

71 FT. WD.

ADAMS AVE. 60 FT. WD.

GRAND RIVER AVE.
 100 FT. WD.



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 28 B & 29 E

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	05-17-16	APPROVED			

REQUEST TO CONVERT TO EASEMENT
 THE EAST/WEST AND NORTH/SOUTH
 PUBLIC ALLEYS 20 FT. WD.
 IN THE AREA BOUND BY
 COLUMBIA, CLIFFORD, ELIZABETH ST.
 CASS, ADAMS
 AND GD. RIVER AVE.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 981