



January 24th, 2020

Revised

Honorable City Council:

RE: Petition No. 1388, Intersection Consulting Group, LLC, request to convert to easement portions of Sproat Street, Sibley Street, Clifford Street and Henry Street. Requesting easements be retained for vehicular and pedestrian traffic on Sproat Street and Henry Street utility easements.

Petition No. 1388, Intersection Consulting Group on behalf of Downtown Development Authority and Olympia Development of Michigan, LLC request to vacate and convert to sub-surface easement: Sproat Street, 50 feet wide, between Park Avenue, 60 feet wide, and Cass Avenue, 80 feet wide; also Clifford Street, 60 feet wide, from north line of Sibley Street, 50 feet wide, to north line of Henry Street, 50 feet wide; also Sibley Street, 50 feet wide, from east line of Clifford Street, 60 feet wide, to east line of Cass Avenue; also Henry Street, 50 feet wide, from Woodward Avenue, 120 feet wide, to Clifford Street, 60 feet wide.

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

The request is being made as a part of the Little Caesar Arena development area and will allow for a pedestrian friendly area to be used in conjunction with the new arena.

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

The Detroit Water and Sewerage Department (DWSD) reports no objection if the petitioner agrees to the DWSD provisions for easements. The DWSD provisions are a part of the resolution.

The Public Lighting Department (PLD) reports involvement and the petitioner will need to allow 24 hour truck access to the area or relocate the PLD conduit in the area. The petitioners engineering firm, Giffels-Webster, has already made arrangements to relocate the conduit. Provisions protecting the PLD facilities are a part of the resolution.

DTE Energy – Gas Division reports involvement, but no objection provided that an easement is established or the petitioner pays for the cost of abandoning, removing and/or relocating their gas lines. Provisions for DTE Energy are a part of the attached resolution.

DTE Energy – Electric Division reports involvement with costs for some relocation of their facilities in the area. They are satisfied with the relocation that has already occurred provided that



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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2 WOODWARD AVE. SUITE 601
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easements are retained in vacated streets. Sub-surface easement provisions for all utilities are a part of the resolution.

The Planning and Development Department (P&DD) reports that portions of Sproat Street between Cass Avenue and Park Avenue are within a Historic District. The Historic District Committee (HDC) approval will be needed for that part of the project in the Historic District. A provision requiring the HDC approval is a part of the resolution.

All other city departments including the Public Lighting Authority and the Great Lakes Water Authority, also all other utilities report no involvement or no objections to the proposed vacations with conversion to easements and the encroachment area. Provisions for all utility relocations, also, easement provisions have been made a 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".

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 all of part Sproat Street, 50 feet wide, between Park Avenue, 60 feet wide, and Cass Avenue, 80 feet wide; also Clifford Street, 60 feet wide, from north line of Sibley Street, 50 feet wide, to north line of Henry Street, 50 feet wide; also Sibley Street, 50 feet wide, from east line of Clifford Street, 60 feet wide, to east line of Cass Avenue; also Henry Street, 50 feet wide, from Woodward Avenue, 120 feet wide, to Clifford Street, 60 feet wide, and further described as: land in the City of Detroit, Wayne County, Michigan being:

- 1) Sproat Street, 50 feet wide, from the easterly line of Park Avenue to the easterly line of Cass Avenue, 80 feet wide lying southerly of and adjoining the southerly line of Lot 19, and Park Avenue for the full 60 foot width adjoining said Lot 19 and the public alley 15 feet wide adjoining said Lot 19 "Plat of the Subdivision of Park Lots 72, 73, 74, 75, and 76" as recorded in Liber 53, Page 196 of Plats, Wayne County Records; also lying southerly of and adjoining the southerly line of Lots 25, 26, 27, 28, 29 and the 15 foot alley between said Lots 28 and 29 "E.S. Sibley's Subdivision of the West Part of Park Lot 76 of the City of Detroit, Wayne County, Michigan" as recorded in Liber 1, Page 297 of Plats, Wayne County Records; also lying northerly of and adjoining the northerly line of Lots 90 through 101, both inclusive, and Park Avenue the full 60 foot width adjoining said Lot "Plan of the Subdivision of Park Lots 77, 78, 79 and part of 76" as recorded in Liber 43, Page 260 Deeds, Wayne County Records.
- 2) Clifford Street, 60 feet wide from the northerly line of Henry Street, 50 feet wide to the northerly line of Sibley Street, 50 feet wide, lying easterly of and adjoining the easterly line of Lots 138 and 139 and the 15 foot wide public alley between said Lots 138 and 139 and Sibley Street the full 50 foot width adjoining said Lot 139, also lying westerly of and adjoining the westerly line of Lot 114 and t Lot 137 and the 15 foot alley, lying between said Lots 114 and 137 and Sibley Street the full 50 foot width adjoining said Lot 114 "Plan of the Subdivision of Park Lots 77, 78, 79 and part of 76" as recorded in Liber 43, Page 260 Deeds, Wayne County Records.
- 3) Sibley Street, 50 feet wide lying between the easterly line of Clifford Street, 60 feet wide and the easterly line of Cass Avenue, 71 and 80 feet wide, lying northerly of and adjoining the northerly line of Lot 139, and vacated Cass Avenue adjoining and Clifford Street, the full 60 feet width adjoining said Lot 139, and lying southerly of and adjoining the triangular "safety zone" between Cass Avenue, 80 feet wide and Clifford Avenue, 60 feet wide and the full 60 foot width of Clifford Street adjoining said safety zone, safety zone also adjoining Lot 113 "Plan of the Subdivision of Park Lots 77, 78, 79 and part of 76" as recorded in Liber 43, Page 260 Deeds, Wayne County Records.
- 4) Henry Street, 50 feet wide, from the westerly line of Woodward Avenue, 120 feet wide, to the easterly line of Clifford Street, 60 feet wide, lying southerly of and adjoining the southerly line of Lots 1, and 14 through 25, both inclusive, and Lots 126 through 137, both inclusive, also the vacated alley, 15 feet wide, between said Lots 1 and 14 and Park Avenue, between said Lots 25 and 126 "Plan of the Subdivision of Park Lots 77, 78, 79 and part of 76" as recorded in Liber 43, Page 260 Deeds, Wayne County Records; also lying northerly of and adjoining the northerly line of Lots 47 through 53, both inclusive and the 15 foot wide alley adjoining said Lot 53 and easterly half of Park Avenue adjoining said Lot 47

“Duffield’s Subdivision by W. W. Duffield” as recorded in Liber 1, Page 249 of Plats, Wayne County Records; also lying northerly of and adjoining the northerly line of Part of Park Lot 80 westerly of Woodward Avenue and easterly of said “Duffield’s Subdivision by W. W. Duffield”, also lying northerly of and adjoining the northerly line of Lots 31, 36, 37, 38, and 46 and the north-south alley adjoining said Lots 31 and 36 and the westerly half of Park Avenue, 60 feet wide adjoining said Lot 46 “Plat of Duffield’s Subdivision of part of the Park Lots 80 and 81 in the City of Detroit , Michigan” as recorded in Liber 49, Page 573 of Deeds, Wayne County Records.

Be and the same are hereby vacated as a public rights-of-way and converted into private sub-surface easements for public utilities the full width of the street, which easements 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 streets and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public a sub-surface easement or right-of-way over said vacated public rights-of-way herein above described for the purposes of maintaining, installing, repairing, removing, or replacing underground public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or things usually placed or installed in a public street at, or below the surface grade 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 sub-surface easement or right-of-way in and over said vacated rights-of-way 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, 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 sub-surface 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 rights-of-way 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

Sixth, Said owners hereby grant to and for the use of the public a perpetual access easement over vacated segments of Sproat Street and Henry Street herein above described for the purpose of providing access to the public and abutting property owners as a public thoroughfare and for emergency use such as service vehicles with the right to ingress and egress at any time to and over said easement for the purpose above set forth; and

Seventh, Said owners are permitted to raise bollards to prevent vehicular access along said vacated segments of Sproat Street and Henry Street herein described during scheduled events for the arena in coordination with the City of Detroit Police Department. Said bollards are required to be lowered to allow public access during times of non-scheduled events.

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 right-of-way 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 petitioner provides an easement for DTE Energy Gas Division or contact Michael Fedele at (313) 389-7211 (Supervisor) or Laura Forrester at (313) 389-7261 for the

estimated cost of their services in abandoning/removing and/or relocating/rerouting, including the survey, design and drawing of the gas utilities, and further

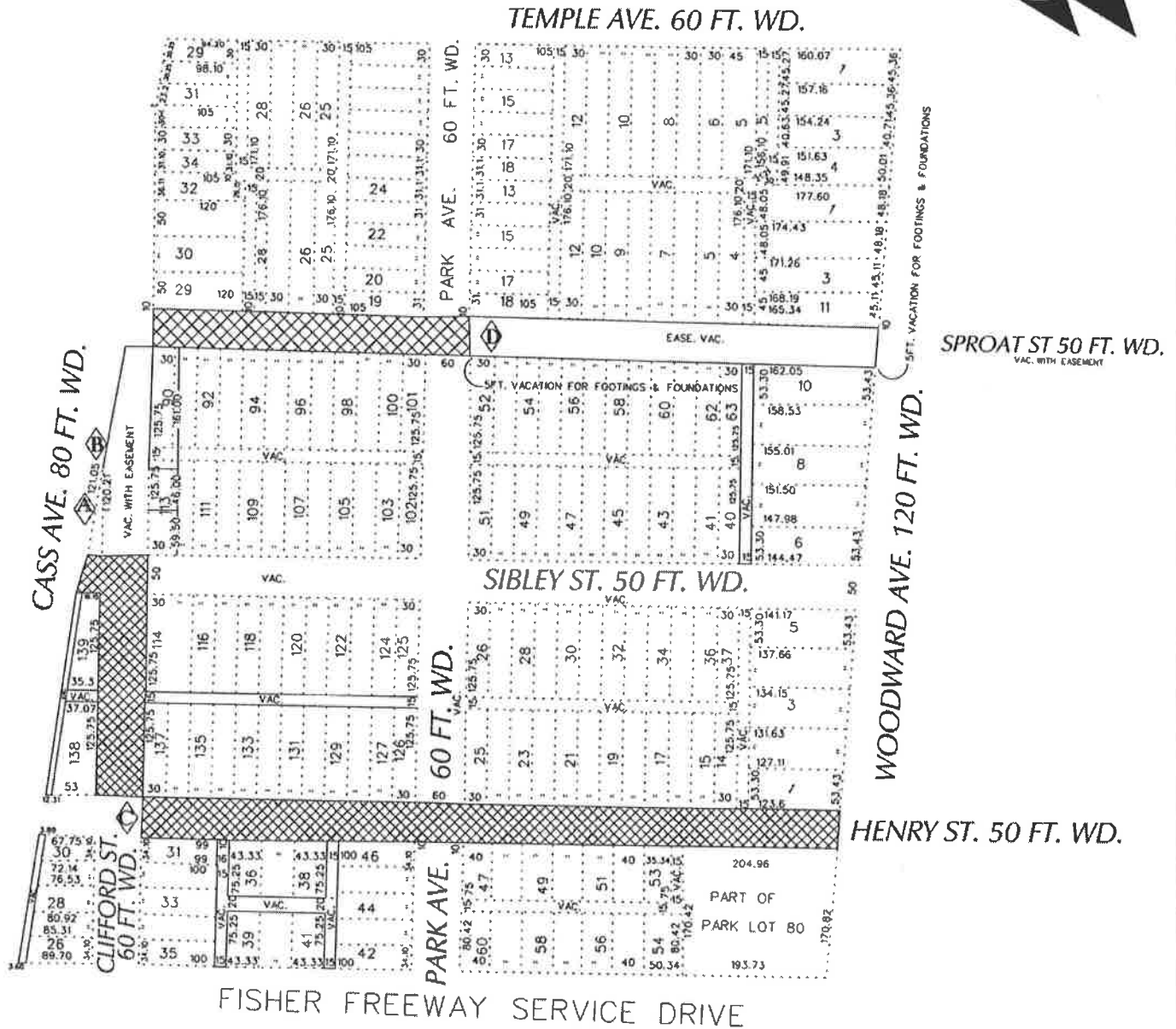
PROVIDED, that the petitioner shall allow the Public Lighting Department 24 hour truck access to their conduit within the easement areas, or make the necessary arrangements for relocation of the conduits at the petitioner's expense, and further

PROVIDED, that the petitioner or their assigns shall obtain approval from the Historic District Committee for any work to be done within the Historic District, and further

PROVIDED, that any work in the public right-of-way such as 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. 1388
 INTERSECTION CONSULTING GROUP
 500 GRISWOLD AVE.
 DETROIT, MICHIGAN 48239
 C/O BRIAN ELLISON
 PHONE NO. 313 397-5863



- CONVERSION TO EASEMENT

"REVISED"

D	EXTEND CONVERSION TO EASEMENT	SA	JD	JD	11/22/19
C	EXTEND CONVERSION TO EASEMENT	WLW	KSM	KSM	12/10/18
B	REMOVE CONVERSION TO EASEMENT	WLW	KSM	KSM	12/10/18
A	CHANGE FROM CONVERSION TO EASEMENT TO REQUEST ENCROACHMENT	WLW	KSM	KSM	5/18/17
REVISIONS					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
DRAWN BY	ICG	CHECKED	KSM		
DATE	02-02-17	APPROVED			

(FOR OFFICE USE ONLY)

CARTO 29 E

REQUEST TO CONVERT TO EASEMENT
SPROAT, SIBLEY, HENRY ST. 50 FT. WD.
AND CLIFFORD ST. 60 FT. WD.
IN THE AREA BOUND BY
CASS, TEMPLE, WOODWARD AVE.
AND FISHER FWY. SERVICE DRIVE

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1388