



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE. SUITE 601
DETROIT, MICHIGAN 48226
PHONE: (313) 224-3949 • TTY: 711
FAX: (313) 224-3471
WWW.DETROITMI.GOV

December 6, 2018

Honorable City Council:

RE: Petition No. 1458 — Huntington Bank request to vacate east-west and north-south public alley, 18 feet wide, in the area bounded by Mack, Goethe, Alter, and Wayburn.

Petition No. 1458 — Huntington Bank request to vacate and convert to easement the west part of the east-west public alley, 18 feet wide, and the north part of the north-south public alley, 18 feet wide, all in the block bounded by Goethe Avenue, 60 feet wide, Mack Avenue, 120 feet wide, Alter Road, 66 feet wide and Wayburn Avenue, 60 feet wide. The request will also dedicate a new alley outlet to prevent creating a dead-end of the remaining north-south alley.

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 in order to consolidate properties for commercial development consisting of a new bank building.

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

The location of the request is adjacent to the Detroit and Grosse Pointe Park boundary line. The petitioner is aware that the east-west alley lies partially within the two cities. The attached resolution will address the part of the alley under Detroit jurisdiction; and the petitioner is working with Grosse Pointe Park to address the part of the alley under their jurisdiction.

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.

Comcast reports having a relocation cost (\$3,488.69) associated with the request; and the petitioner has made arrangements with Comcast for their relocation. A provision for Comcast is a part of the resolution.

DTE Energy Electric Company reports involvement and provisions for DTE have been made a part of the attached 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,

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

/JK

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

BY COUNCIL MEMBER _____

RESOLVED, that all that part of the west part of the east-west public alley, 18 feet wide, and the north part of the north-south public alley, 18 feet wide, all in the block bounded by Goethe Avenue, 60 feet wide, Mack Avenue, 120 feet wide, Alter Road, 66 feet wide and Wayburn Avenue, 60 feet wide and further described as land in the City of Detroit, Wayne County, Michigan, being:

- 1) All that part of the east-west public alley, 18 feet wide, lying northerly of and adjoining the northerly line of Lot 70 and the westerly 61.68 feet of Lot 58 and the alley adjoining said Lots, all in "Maryland Park Subdivision of Lot 1 of Plat of Lot No. 2 of Alter's Plat of the West part of P.C. 570, Grosse Pointe Township, Wayne County, Michigan" as recorded in Liber 34, Page 95 of Plats, Wayne County Records; and bounded on the west by the westerly line of Alter Road, 66 feet wide; and bounded on the east by the easterly line of the City of Detroit, as established September 17, 1986 in J.C.C. pages 1780-1782.
- 2) All that part of the north-south public alley, 18 feet wide, lying easterly of and adjoining the easterly line of Lots 70, 71 and the northerly 15 feet of Lot 72; also lying westerly of and adjoining the westerly line of Lot 58 and the northerly 15 feet of Lot 57 "Maryland Park Subdivision of Lot 1 of Plat of Lot No. 2 of Alter's Plat of the West part of P.C. 570, Grosse Pointe Township, Wayne County, Michigan" as recorded in Liber 34, Page 95 of Plats, Wayne County Records.

Be and the same are hereby vacated as a public rights-of-way and converted into private easements for public utilities of the full width of the rights-of-way, 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 right-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 alleys 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 alleys 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 easements, 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 alleys 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 Comcast for the relocation of their services in the area at an estimated cost of \$3,488.69, and further

Provided, that an easement, the full width of the existing right-of-way is reserved for DTE Electric Company (DTE) for the purpose of installing, maintaining, repairing, removing, or replacing any overhead and underground utilities facilities which may consist of underground vaults, pipelines, poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers, and accessories (collectively DTE facilities) with the right of ingress/egress at any time to, and over said easement for the purpose above set forth, and further

Provided, that free and easy access (i.e. gated access with DTE locks at all ends of the easement) to the DTE facilities and within the easement is reserved for DTE 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 facilities, and further

Provided, said owners of the adjoining property for themselves, 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 easements, nor changes or storage of materials, shall be made within said easement without prior written approval of DTE, 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 if it becomes necessary to remove the paved alley return at the entrance (into Alter Road) 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

Be it also RESOLVED, that that your Honorable Body authorize the acceptance of the following described property being land in the City of Detroit, Wayne County, Michigan, for public alley purposes: The southerly 20 feet of Lot 72 “Maryland Park Subdivision of Lot 1 of Plat of Lot No. 2 of Alter’s Plat of the West part of P.C. 570, Grosse Pointe Township, Wayne County, Michigan” as recorded in Liber 34, Page 95 of Plats, Wayne County Records.

Provided, that the petitioner shall design and construct the new alley outlet as required by the City Engineering Division – DPW (CED)/Street Design Bureau and the Traffic Engineering Division – DPW; and further

Provided, that the petitioner or their assigns shall be responsible for arranging the financing of the entire cost of the proposed alley outlet construction, including inspection, survey and engineering; and further

Provided, that the entire work is to be performed in accordance with plans and specifications approved by CED and constructed under the inspection and approval of CED; and further

Provided, that all taxes with respect to property of which the Dedication Area is a part of shall be paid and proof thereof furnished to the Law Department and/or City Engineering Division – DPW; and further

Provided, that proof of compliance with Detroit Ordinance No. 29-94, Detroit Code Sections 2-1-11 through 2-1-15 also known as the Environmental Review Guidelines, is furnished to the Law Department and/or City Engineering Division – DPW; and further

Provided, that the fee owner submit a properly executed deed acceptable to the Law Department and/or City Engineering Division – DPW; 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. 1458
 HUNTINGTON BANK
 37 W. BROAD ST.
 COLUMBUS, OH. 43137
 C/O JEFF STOGNER
 PHONE NO. 614 480-5020

"REVISED"

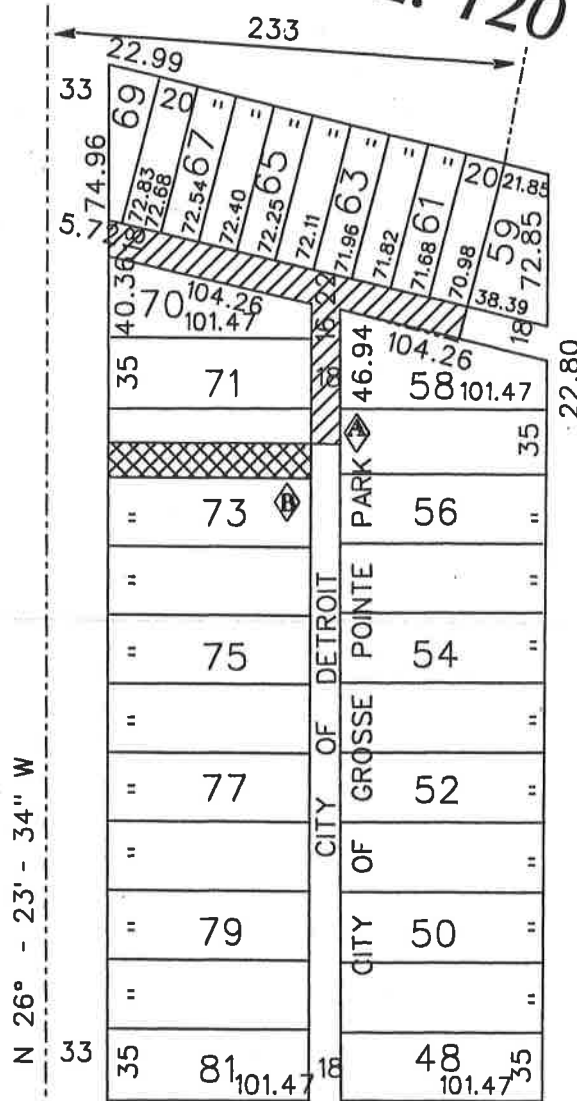


MACK AVE. 120 FT. WD.

ALTER RD. 66 FT. WD.

WAYBURN AVE. 60 FT. WD.

GOETHE AVE. 60 FT. WD.



- REQUESTED FOR DEDICATION



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 63 A

B	20 FT. WD. DEDICATED AREA FOR VEHICLE ACCESS	WLW	KSM	KSM	7/25/18
A	CONVERSION TO EASEMENT ON THE NORTH/SOUTH PUBLIC ALLEY IS REDUCED	WLW	KSM	KSM	7/25/18
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	03-22-17	APPROVED			

**REQUEST TO CONVERT TO EASEMENT
 THE EAST/WEST AND A PORTION OF NORTH/SOUTH
 PUBLIC ALLEYS 18 FT. WD. AND
 REQUEST FOR DEDICATION
 IN THE BLOCK BOUND BY
 MACK, WAYBURN, GOETHE AVE.
 AND ALTER RD.**

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1458