



April 30, 2018

Honorable City Council:

RE: Petition No. 1476 Pastor John Payne, request to vacate Ellery Street (60 feet wide) adjacent to 3474 E. Vernor.

Petition No. 1476 – Pastor John Payne request to vacate and convert to easement Ellery Street, 60 feet wide, South of East Vernor Highway, 85 feet wide to dead end at vacated Waterloo Street, 50 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 so that the East Vernor Church of God in Christ can utilize the dead end street as a parking lot. The location is in the area of Elmwood Park Rehabilitation Project number 3 with street and alley vacations previously approved by your Honorable Body on June 7, 1978 in J.C.C. pages 1613-1623.

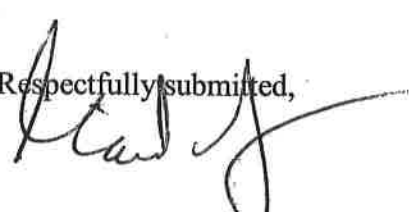
The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW. Public Lighting Department (PLD) and Public Lighting Authority (PLA) report no involvement.

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.

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 that part of Ellery Street, 60 feet wide between and abutting the northerly line of vacated Waterloo Street, 50 feet wide, and abutting the southerly line of Vernor Avenue, 85 feet wide and further described as land in the City of Detroit, Wayne County, Michigan being Ellery Street, 60 feet wide lying easterly of and adjoining the easterly line of Lot 57 "Anton Pulte's Subdivision of part of the East part of Out Lot 25, North of Waterloo Street, George Hunt Farm" as recorded in Liber 11, Page 27 of Plats, Wayne County Records; also lying easterly of and adjoining the easterly line of Lot 46, except the northerly 5 feet thereof "Pulte's Subdivision of the South 209.65 feet of Out Lot 26 and North part of Out Lot 25, George Hunt Farm" as recorded in Liber 7, page 50 of Plats, Wayne County Records; also being a public utility easement on the westerly 30 feet of Lot 57 "Elmwood park Urban Renewal Plat No. 3 of part of Private Claims 90, 14, 91, 733, 609, 9, and 454, 11 and 453, 182, and 15 City of Detroit, Wayne County, Michigan" as recorded in Liber 100, Pages 62-67 of Plats, 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 street 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 street 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 street 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 street 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 easement rights established by the “Elmwood park Urban Renewal Plat No. 3 of part of Private Claims 90, 14, 91, 733, 609, 9, and 454, 11 and 453, 182, and 15 City of Detroit, Wayne County, Michigan” as recorded in Liber100, Pages 62-67 of Plats, Wayne County Records; also the easement rights as established by the Detroit City Council by resolution approved on June, 7, 1978 in J.C.C. pages 1613-1623 shall remain in full force and are not herein abrogated, 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 street 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 vehicular access is maintained for the Detroit Fire Department vehicles to all buildings in case of fire or other emergency, and clear access is maintained to all Fire Department connections, and further

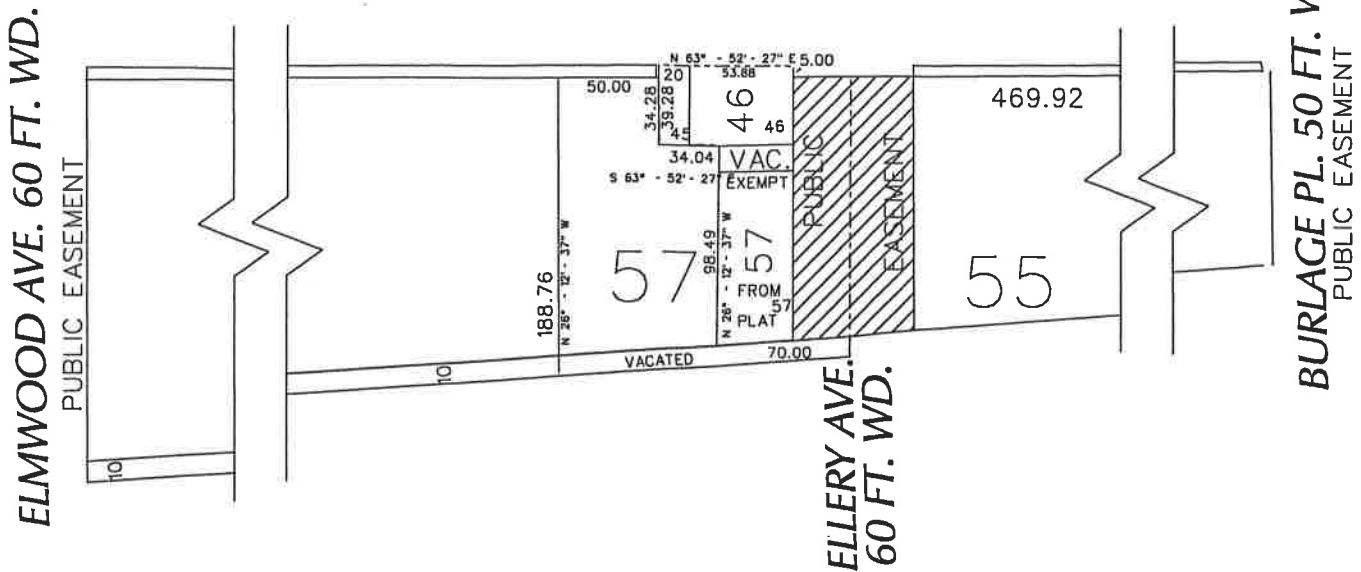
Provided, that if it becomes necessary to remove the paved street return at the entrance (into East Vernor Highway) such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by 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. 1476
 PASTOR JOHN PAYNE
 3474 E. VERNOR HWY.
 DETROIT, MICHIGAN 48207
 PHONE NO. 313 926-3261



E. VERNOR HWY. 85 FT. WD.



WATERLOO ST. 50 FT. WD.
 PUBLIC EASEMENT



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 39 F

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	06-05-17	APPROVED			

REQUEST TO CONVERT TO EASEMENT
 ELLERY AVE. 60 FT. WD.
 IN THE AREA BOUND BY
 BURLAGE PL., WATERLOO ST., ELMWOOD AVE.
 AND E. VERNOR HWY.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1476