



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

March 12, 2019

Honorable City Council:

RE: Petition No. 1520 — Capers Steakhouse, request the use and control of an alley running north and south between Liberal and Manning streets and from that alley, behind Capers Steakhouse, to another alley running east and west to Monarch Street.

Petition No. 1520 — Capers Steakhouse, request to vacate and convert to easement the north-south public alley, 16 feet wide, and the east-west public alley, 16 feet wide, being all of the public alleys in the block bounded by Liberal Avenue, 60 feet wide, Manning Avenue, 60 feet wide, Gratiot Avenue, 135.00 feet wide, and Monarch Avenue, 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 for the expansion of Capers Steakhouse, additional parking, job creation and ridding the community of a blighted area.

The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW, and City Engineering - 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 the north-south public alley, 16 feet wide, and the east-west public alley, 16 feet wide, being all of the public alleys in the block bounded by Liberal Avenue, 60 feet wide, Manning Avenue, 60 feet wide, Gratiot Avenue, 135.00 feet wide, and Monarch Avenue, 60 feet wide, and further described as:

- 1) Land in the City of Detroit, Wayne County, Michigan being the north-south alley, 16 feet wide, lying easterly of and adjoining the easterly line of Lots 19 through 30, both inclusive, also lying westerly of and adjoining the westerly line of Lots 31 and 32 and the alley adjoining "Hayes Gratiot Subdivision of part of the S1/2 Section 1 T1S., R12E. lying East of Gratiot Avenue, Gratiot Twp. (Now Detroit) Wayne County, Michigan" as recorded in Liber 40 Page 90 of Plats, Wayne County Records.
- 2) Land in the City of Detroit, Wayne County, Michigan being the east-west alley, 16 feet wide, lying northerly of and adjoining the northerly line of Lot 32, and lying southerly of and adjoining the southerly line of Lot 31 "Hayes Gratiot Subdivision of part of the S1/2 Section 1 T1S., R12E. lying East of Gratiot Avenue, Gratiot Twp. (Now Detroit) Wayne County, Michigan" as recorded in Liber 40 Page 90 of Plats, Wayne County Records; also lying southerly of and adjoining the southerly line of Lots 322 through 333, both inclusive, also lying northerly of and adjoining the northerly line of Lots 290 through 303, both inclusive "Longridge Subdivision of part of S1/2 of Section 1, T1S., R12E. lying East of Gratiot Avenue, Gratiot Twp. (Now Detroit) Wayne County, Michigan" as recorded in Liber 35 Page 2 of Plats, Wayne County Records.

Be and the same are hereby vacated as a public rights-of-way and converted into a private easements for public utilities of the full width of the rights-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 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 right-of-way 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 or gates), 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 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 maintain Fire Department vehicle access to all buildings, structures, fire hydrants, and fire department connections, and further

Provided, that the property owners maintain DTE Energy access to their facilities at all times, and the petitioner must maintain a clear 5 foot radius from all DTE equipment, 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 posts 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 alleys 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 any of the paved alley returns at the entrances (into Manning Avenue and/or Liberal Avenue and/or Monarch+ 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.

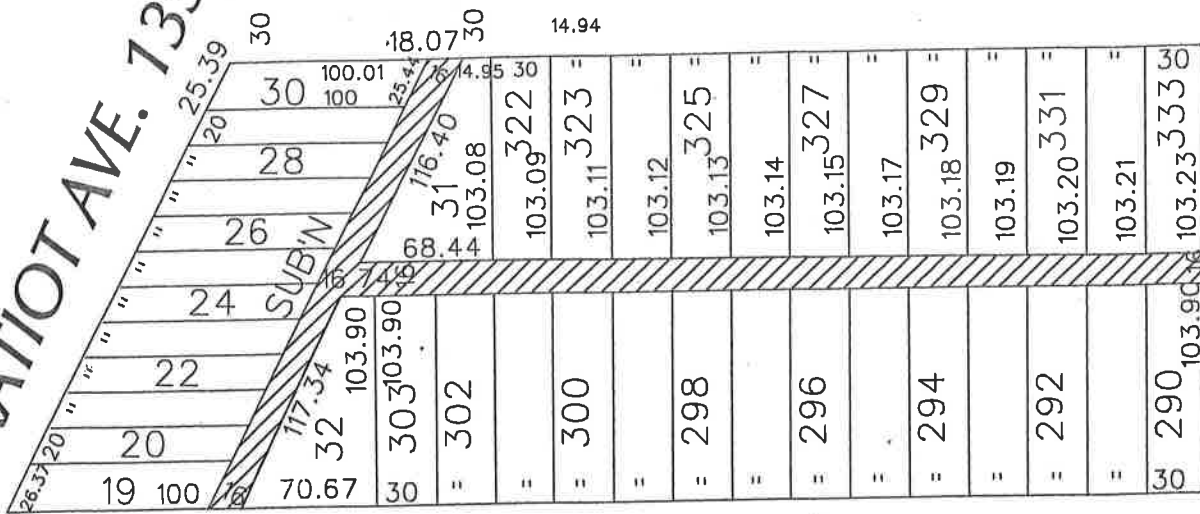
PETITION NO. 1520
 CAPERS STEAKHOUSE
 14726 GRATIOT AVE.
 DETROIT, MICHIGAN 48205
 C/O GARY JACOBS
 PHONE NO. 313 980-0055



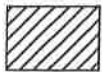
GRATIOT AVE. 735 FT. WD.

MANNING AVE. 60 FT. WD.

MONARCH AVE. 60 FT. WD.



LIBERAL AVE. 60 FT. WD.



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 94 F

B					
A					
DESCRIPTION					
REVISIONS					
DRWN	WLW	CHEKED	APPD	DATE	
DRAWN BY		CHECKED			
DATE		APPROVED			
06-20-17					

**REQUEST TO CONVERT TO EASEMENT
 THE EAST/WEST AND NORTH/SOUTH
 PUBLIC ALLEY, 16 FT. WD.
 IN THE BLOCK BOUND BY
 MANNING, MONARCH, LIBERAL
 AND GRATIOT AVE.**

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X 1520