

COLEMAN A. YOUNG MUNICIPAL CENTER 2 WOODWARD AVENUE, SUITE 601 DETROIT, MI 48226 PHONE: (313) 224-3949 • TTY: 711 FAX: (313) 224-3471

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September 11, 2018

Honorable City Council:

RE: Petition No. 1761 Detroit Real Estate LLC, request to vacate various streets, alleys and rights-of-way in order to support a large 313,000 square foot project.

Petition No. 1761 of Detroit Real Estate LLC request to outright vacate Newhall Street, variable width, from Mt Elliott, 66 feet wide eastward to a dead end near New York Central Railroad, also the north-south alley, 20 feet wide, and the east-west alley, 20 feet wide, in the block of Newhall Street, Georgia Avenue, 60 feet wide, Mt Elliott Avenue, and New York Central Railroad; also to outright vacate Heintz Avenue, 50 feet wide, from Mt Elliott, 66 feet wide eastward to New York Central Railroad, also the two (2) north-south alleys, both 18 feet wide, and the east-west alley, 18 feet wide, in the block of Heintz Avenue, Miller Avenue, 66 feet wide, Mt Elliott Avenue, and New York Central Railroad.

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

City Engineering Division – DPW previously submitted a report and a resolution to your Honorable Body for petition no. 1761; however the resolution has been amended to include Heintz Avenue and the alleys in the block of Miller Avenue, Heintz Avenue, Mt Elliott and the railroad. The amended resolution also provides for two (2) easements for water mains one each in Heintz Avenue and Newhall Street, and pavement encroachments over the water main easements.

The request is being made to facilitate a warehouse renovation for Arcelormittal who will operate a new manufacturing facility serving automakers and creating new job opportunities. The resolution as amended herein will encompass the entire development area for Arcelormittal.

Detroit Water and Sewerage Department (DWSD) has no objection to the vacation provided certain provisions are met. DWSD will abandon all sewers in the subject area, and has agreed to accept the water main easements as included in the amended resolution. The DWSD provisions are a part of the attached amended resolution. Detroit Fire Department (DFD) has conditions that are made a part of the amended resolution.

DTE – Electric has already received payment for relocation of their facilities. AT&T will also relocate their facilities at project cost. Provisions for both DTE and AT&T are a part of the amended resolution.

All other involved City departments and privately owned utility companies have reported no objections to the vacations. Provisions for relocation of the utilities and for City services are a part of this amended resolution.

I am recommending adoption of the attached amended resolution.

Respectfully submitted,

Richard Doherty, P.E., City Engineer City Engineering Division – DPW

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

RESOLVED, that all of vacate Newhall Street, variable width, from Mt Elliott, 66 feet wide eastward to a dead end near New York Central Railroad, also the north-south alley, 20 feet wide, and the east-west alley, 20 feet wide, in the block of Newhall Street, Georgia Avenue, 60 feet wide, Mt Elliott Avenue, and New York Central Railroad; also to outright vacate Heintz Avenue, 50 feet wide, from Mt Elliott, 66 feet wide eastward to New York Central Railroad, also the two (2) north-south alleys, both 18 feet wide, and the east-west alley, 18 feet wide, in the block of Heintz Avenue, Miller Avenue, 66 feet wide, Mt Elliott Avenue, and New York Central Railroad, all being land in the City of Detroit, Wayne County Michigan; and described as follows:

- 1) Newhall Street, variable width, lying south of and adjoining the south line of Lots 23 through 37, both inclusive and the alley between said Lots 36 and 37; also lying north of and adjoining the north line of Lots 4 through 18, both inclusive, also lying north of and adjoining that part of Newhall Street and the "U" shaped alley previously vacated on April 9, 1935, all in the "Howe's Subdivision of part of the E ½ of the SW ¼ of Section 21, T.1S,R.12E. and the S. part of Out Lot G of the J. Dunn Farm, Wayne County, Michigan" as recorded in Liber 13, page 24 of Plats, Wayne County Records; EXCEPTING therefrom the west 20.00 feet of the north 40.00 feet of Newhall Street lying south of and adjoining the west 20.00 feet on the south line of said Lot 37 of the aforementioned subdivision; said exception to be used as a part of Mt. Elliott Avenue.
- 2) North-south alley, 20 feet wide, lying east of and adjoining the east line of Lots 37 through 44, both inclusive; also lying west of and adjoining the west line of Lots 36 and 45 and the alley between said Lots, all in the "Howe's Subdivision of part of the E ½ of the SW ¼ of Section 21, T.1S,R.12E. and the S. part of Out Lot G of the J. Dunn Farm, Wayne County, Michigan" as recorded in Liber 13, page 24 of Plats, Wayne County Records; EXCEPTING therefrom the north 15.00 feet of said alley lying west of and adjoining the north 15 feet of Lot 45 and lying east of and adjoining the north 15 feet of Lot 44, all of the aforementioned subdivision; said exception to be used as a part of Georgia Avenue.
- 3) East-west alley, 20 feet wide, lying north of and adjoining the north line of Lots 24 through 36, both inclusive; and lying south of and adjoining the south line of Lots 45 through 57, both inclusive, all in the "Howe's Subdivision of part of the E ½ of the SW ¼ of Section 21, T.1S,R.12E. and the S. part of Out Lot G of the J. Dunn Farm, Wayne County, Michigan" as recorded in Liber 13, page 24 of Plats, Wayne County Records.
- 4) Heintz Avenue, 50 feet wide, lying south of and adjoining the south line of Lot 8 and Lots 43 through 58, both inclusive and the alley between said Lots 8 and 43; also lying north of and adjoining the north line of Lot 7 and Lots 27 through 42, both inclusive, also lying north of and adjoining the alley between said Lots 7 and 42 and the alley opened being the west 18 feet of Lot 29 all in the "Charles Heintz Subdivision of part of the Southeast ¼ of the southwest ¼ of Section 21, T1S.,R.12E. Hamtramck Township, Wayne County, Michigan" as recorded in Liber 29, page 5 of Plats, Wayne County Records; EXCEPTING therefrom the west 20.00 feet of the south 30.00 feet of Heintz Avenue lying north of and adjoining the west 20.00 feet on the north line of said Lot 7 of the aforementioned subdivision; said exception to be used as a part of Mt. Elliott Avenue.

- 5) North-south alley, 18 feet wide, lying east of and adjoining the east line of Lots 1 through 7, both inclusive; also lying west of and adjoining the west line of Lots 9 and 42 and the alley between said Lots, all in the "Charles Heintz Subdivision of part of the Southeast ¼ of the southwest ¼ of Section 21, T1S.,R.12E. Hamtramck Township, Wayne County, Michigan" as recorded in Liber 29, page 5 of Plats, Wayne County Records; EXCEPTING therefrom the south 15.00 feet thereof lying east of and adjoining the south 15.00 feet on the east line of said Lot 1, and lying west of and adjoining the south 15.00 feet of Lot 9, all of the aforementioned subdivision; said exception to be used as a part of Miller Avenue.
- 6) East-west alley, 18 feet wide, lying north of and adjoining the north line of Lots 9 through 21, both inclusive and the west 18 feet of Lot 22; and lying south of and adjoining the south line of Lots 30 through 42, both inclusive and the west 18 feet of Lot 29, all in the "the "Charles Heintz Subdivision of part of the Southeast ¼ of the southwest ¼ of Section 21, T1S.,R.12E. Hamtramck Township, Wayne County, Michigan" as recorded in Liber 29, page 5 of Plats, Wayne County Records.
- 7) North-south alley, 18 feet wide, as deeded to the City of Detroit on December 21,1920: being the West 18 feet of Lots 22 and 29 "Charles Heintz Subdivision of part of the Southeast ¼ of the southwest ¼ of Section 21, T1S.,R.12E. Hamtramck Township, Wayne County, Michigan" as recorded in Liber 29, page 5 of Plats, Wayne County Records.

Be and the same is hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions:

PROVIDED, that petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services or granting of easements if necessary, and further

PROVIDED, that the petitioner/property owner make satisfactory arrangements with DTE Energy – Electric division for the removal and relocation of their facilities in the area of the vacations, and further

PROVIDED, that the petitioner/property owner make satisfactory arrangements with AT&T for the removal and relocation of their facilities in the area of the vacations by contacting the Custom Work Group at 888-901-2799, and further

PROVIDED, that Detroit Fire Department (DFD) have vehicle access at all times, also that the fire hydrant on the property be kept free and clear from any obstruction, also that the petitioner or owner provide DFD with a knox-box and manual gate key, and further

PROVIDED, that the petitioner shall design and construct proposed sewers and water mains and to make connections to the existing public sewers and water mains as required by the Detroit Water and Sewerage Department (DWSD) prior to the construction of the proposed sewers and water mains; and further

PROVIDED, that the plans for the sewers and water mains shall be prepared by a registered engineer; and further

PROVIDED, that DWSD be and is hereby authorized to review the drawings for the proposed sewers and water mains and to issue permits for the construction of the sewers and water mains; and further

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

PROVIDED, that the entire cost of the proposed sewers and water mains construction, including inspection, survey and engineering shall be borne by the petitioner; and further

PROVIDED, that the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

PROVIDED, that the petitioner shall grant to the City a satisfactory easement for the sewers and water mains; and further

PROVIDED, that the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; and further

PROVIDED, that the petitioner/property owner shall provide DWSD with as-built drawings on the proposed sewers and water mains; and further

PROVIDED, that the petitioner shall provide a (1) one year warranty for the proposed sewers and water mains; and further

PROVIDED, that upon satisfactory completion, the sewers and water mains shall become City property and become part of the City system. Any exiting sewers and water mains that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City; and further

PROVIDED, that the City of Detroit retains the following described 20 foot wide Water main easements subject to the terms and conditions of the Board of Water Commissioners, who shall accept and execute the easement grant on behalf of the City. The water main easements in Newhall Street and Heintz Avenue on land in the City of Detroit, Wayne County Michigan; and described as follows:

1) Public water main easement which lies within the vacated Newhall Street, 60 feet wide as platted, being the most westerly 465 feet of the northerly 20 feet of the southerly 31 feet, also the westerly 20 feet of the most westerly 465 feet of the northerly 10 feet of the southerly 41 of above said vacated Newhall Street, 60 feet wide as platted, said vacated right-of-way being adjacent Lots 4 through 37, both inclusive "Howe's Subdivision of part of the E ½ of the SW ¼ of Section 21, T.1S,R.12E. and the S. part of Out Lot G of

- the J. Dunn Farm, Wayne County, Michigan" as recorded in Liber 13, page 24 of Plats, Wayne County Records.
- 2) Public water main easement which lies within the vacated Heintz Avenue, 50 feet wide, being the southerly 20 feet of the northerly 31 feet of above said vacated Heintz Avenue and being bounded by the east right-of-way line of Mt. Elliott Avenue, and the west right-of-way line of Michigan Central Railroad, said area also being adjacent to Lots 7, 8 and Lots 27 through 58, both inclusive "Charles Heintz Subdivision of part of the Southeast ¼ of the southwest ¼ of Section 21, T1S.,R.12E. Hamtramck Township, Wayne County, Michigan" as recorded in Liber 29, page 5 of Plats, Wayne County Records.

PROVIDED, that any construction in the public rights-of-way such as removal and construction of new pavement, driveways, curbs and sidewalks 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 the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Detroit Real Estate LLC or their assigns to install and maintain encroachments with pavement over two (2) public water main easements, 20 feet wide, in Newhall Street, 60 feet wide as platted, from Mt Elliott, 66 feet wide, eastward to a dead end near New York Central Railroad, also in Heintz Avenue, 50 feet wide, from Mt Elliott, 66 feet wide, eastward to New York Central Railroad, on land in the City of Detroit, Wayne County, Michigan further described as:

- 1) Pavement encroachment in Newhall Street over a 20 foot wide public water main easement (the full area of the easement) which lies within the vacated Newhall Street, 60 feet wide as platted, being the most westerly 465 feet of the northerly 20 feet of the southerly 31 feet, also the westerly 20 feet of the most westerly 465 feet of the northerly 10 feet of the southerly 41 of above said vacated Newhall Street, 60 feet wide as platted, said vacated right-of-way being adjacent Lots 4 through 37, both inclusive "Howe's Subdivision of part of the E½ of the SW¼ of Section 21, T.1S,R.12E. and the S. part of Out Lot G of the J. Dunn Farm, Wayne County, Michigan" as recorded in Liber 13, page 24 of Plats, Wayne County Records.
- 2) Pavement encroachment in Heintz Avenue, over a part of a 20 foot wide public water main easement which lies within the vacated Heintz Avenue, 50 feet wide, being the easterly 210 feet of above said water main easement and lying adjacent to Lots 27 through 33, both inclusive and Lots 52 through 58, both inclusive "Charles Heintz Subdivision of part of the Southeast ¼ of the southwest ¼ of Section 21, T1S.,R.12E. Hamtramck Township, Wayne County, Michigan" as recorded in Liber 29, page 5 of Plats, Wayne County Records.

PROVIDED, that if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

PROVIDED, that by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to

maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection caused by the encroachment shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the right-of-way, shall be borne by DWSD; and be it further

PROVIDED, that the petitioner maintain the DWSD required clearance of 18 feet above grade for maintenance access and repair, and be it further

PROVIDED, that all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours' notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and be it further

PROVIDED, that construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and be it further

PROVIDED, that if DWSD facilities located within the right-of-way shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

PROVIDED, that the petitioner shall hold DWSD harmless for any damages to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

PROVIDED, Detroit Real Estate LLC or their assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division – DPW prior to any public right-of-way construction; and further

PROVIDED, that the necessary permits shall be obtained from the City Engineering Division – DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Detroit Real Estate LLC or their assigns, and further

PROVIDED, that all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by Detroit Real Estate LLC or their assigns. Should damages to

utilities occur Detroit Real Estate LLC or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

PROVIDED, that no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division – DPW; and further

PROVIDED, that Detroit Real Estate LLC or their assigns shall file with the Department of Public Works – City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance of Detroit Real Estate LLC or their assigns of the terms thereof. Further, Detroit Real Estate LLC or their assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed encroachments; and further

PROVIDED, that construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

PROVIDED, that the encroachment potion of this resolution is revocable at the will, whim or caprice of the City Council, and Detroit Real Estate LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

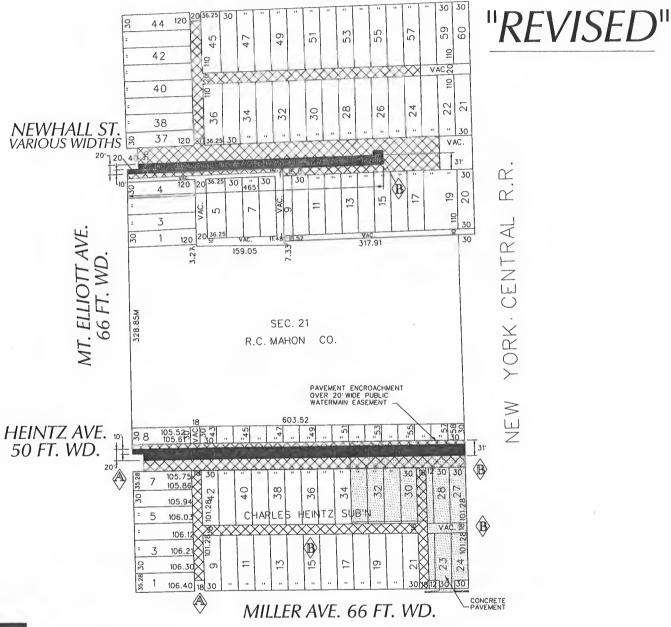
PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it further

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. 1761 DETROIT MT. ELLIOTT REAL ESTATE LLC 2500 ENTERPRIZE DR. ALLEN PARK, MICHIGAN 48101 C/O CURT FELCH PHONE NO. 734 721-3334



GEORGIA AVE. 60 FT. WD.





- WATERMAIN EASEMENT (With Watermain and Hydrant)

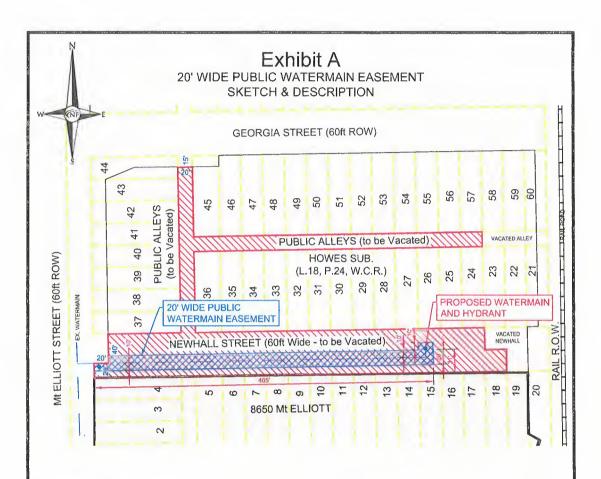


- OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

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EASEMENT DESCRIPTION

A 20-FOOT WIDE EASEMENT FOR PUBLIC WATERMAIN DESCRIBED AS:

LAND SITUATED IN THE CITY OF DETROIT, COUNTY OF WAYNE, AND STATE OF MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

AN AREA WHICH LIES WITHIN THE VACATED NEWHALL STREET 60-FOOT ROAD R.O.W., SAID AREA BEING THE MOST WESTERLY 465-FEET OF THE NORTHERLY 20-FEET OF THE SOUTHERLY 31-FEET OF SAID VACATED NEWHALL STREET 60-FOOT R.O.W. SAID VACATED R.O.W. BEING ADJACENT TO LOTS 4-37 INCLUSIVE OF HOWES SUBDIVISION AS RECORDED IN L.18, P.24, WAYNE COUNTY RECORDS.



FAX. (248) 332-8257

Prepared for: Metro International Property Holdings 2500 Enterprise Drive Allen Park, MI 48101

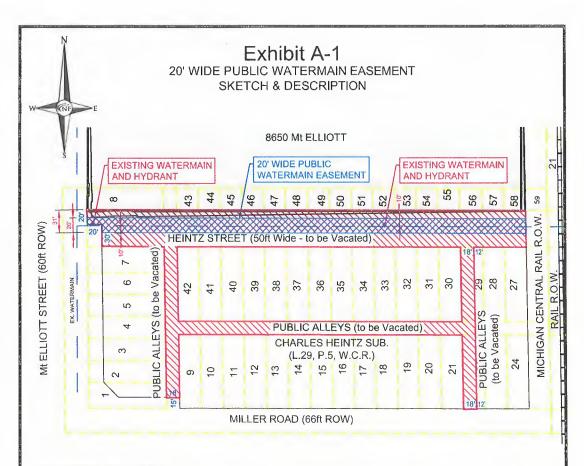
SCALE 1'' = 100'

DATE 2018-07-05 DRAWN J.D.K.

JOB NO. J591

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EASEMENT DESCRIPTION

A 20-FOOT WIDE EASEMENT FOR PUBLIC WATERMAIN DESCRIBED AS:

LAND SITUATED IN THE CITY OF DETROIT, COUNTY OF WAYNE, AND STATE OF MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

AN AREA WHICH LIES WITHIN THE VACATED HEINTZ STREET 50-FOOT ROAD R.O.W., SAID AREA BEING THE SOUTHERLY 20-FEET OF THE NORTHERLY 31-FEET OF SAID VACATED HEINTZ STREET 50-FOOT R.O.W. SAID VACATED R.O.W. BEING BOUND BY THE EAST RIGHT-OF-WAY LINE OF MT. ELLIOTT STREET AND THE WEST RIGHT-OF-WAY LINE OF MICHIGAN CENTRAL RAILROAD, SAID AREA ALSO BEING ADJACENT TO LOTS 7, 8 AND 27-58 INCLUSIVE OF CHARLES HEINTZ SUBDIVISION, AS RECORDED IN LIBER 29, PAGE 5 OF PLATS, WAYNE COUNTY RECORDS ADJACENT TO LOTS 4-37 INCLUSIVE OF HOWES SUBDIVISION AS RECORDED IN L.18, P.24, WAYNE COUNTY RECORDS.



NOWAK & FRAUS ENGINEERS 46777 WOODWARD AVE. PONTIAC, MI 48342-5032 TEL. (248) 332-7931 FAX. (248) 332-8257 Prepared for: Metro International Property Holdings 2500 Enterprise Drive Allen Park, MI 48101

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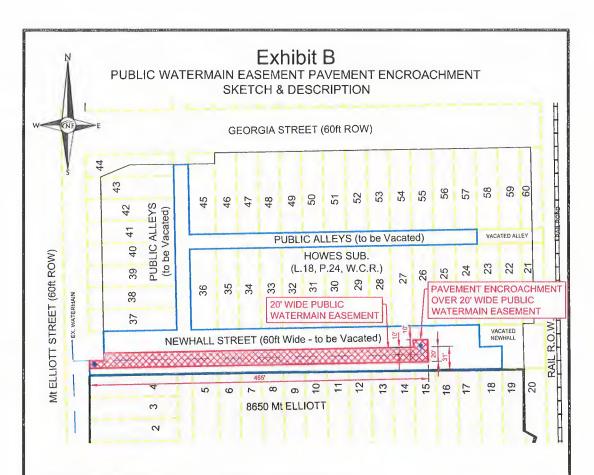
DATE 2018-07-05 DRAWN J.D.K.

JOB NO. J591

PROFESSIONAL

55108

SHEET 1 of 1



BOUNDARY DESCRIPTION OF PAVEMENT ENCROACHMENT

A PAVEMENT ENCROACHMENT OVER A 20-FOOT WIDE PUBLIC WATERMAIN EASEMENT **DESCRIBED AS:**

LAND SITUATED IN THE CITY OF DETROIT, COUNTY OF WAYNE, AND STATE OF MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

AN AREA WITHIN THE PUBLIC WATERMAIN EASEMENT WHICH LIES WITHIN THE VACATED NEWHALL STREET 60-FOOT ROAD R.O.W., SAID AREA BEING THE MOST WESTERLY 465-FEET OF THE NORTHERLY 20-FEET OF THE SOUTHERLY 31-FEET OF SAID VACATED NEWHALL STREET 60-FOOT R.O.W. SAID VACATED R.O.W. BEING ADJACENT TO LOTS 4-37 INCLUSIVE OF HOWES SUBDIVISION AS RECORDED IN L.18, P.24, WAYNE COUNTY RECORDS.



FAX. (248) 332-8257

Prepared for: Metro International Property Holdings 2500 Enterprise Drive Allen Park, MI 48101

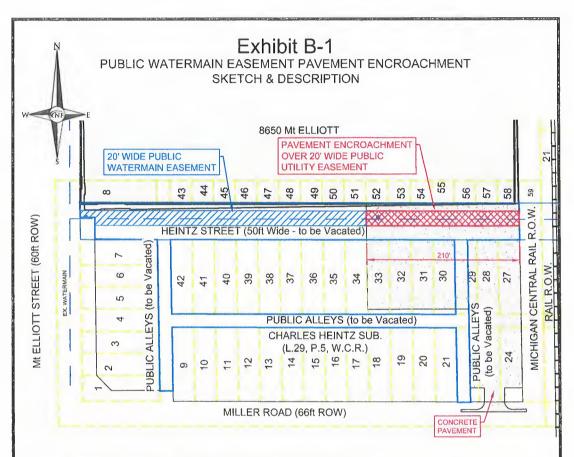
SCALE 1'' = 100'

DATE 2018-07-05 DRAWN J.D.K.

JOB NO. J591

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> SHEET 1 of 1



BOUNDARY DESCRIPTION OF PAVEMENT ENCROACHMENT

A PAVEMENT ENCROACHMENT OVER A 20-FOOT WIDE PUBLIC UTILITY EASEMENT **DESCRIBED AS:**

LAND SITUATED IN THE CITY OF DETROIT, COUNTY OF WAYNE, AND STATE OF MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

AN AREA OVER A 20-FOOT WIDE PUBLIC UTILITY EASEMENT WHICH LIES WITHIN THE VACATED HEINTZ STREET 50-FOOT R.O.W., SAID AREA BEING ADJACENT TO LOTS 27-33 INCLUSIVE AND LOTS 52-58 INCLUSIVE OF CHARLES HEINTZ SUBDIVISION AS RECORDED IN L.29, P.5, WAYNE COUNTY RECORDS, CONTAINING 10,500 S.F. OR 0.24 ACRES MORE OR LESS.



IOWAK & FRAUS ENGINEERS 46777 WOODWARD AVE. PONTIAC, MI 48342-5032 TEL (248) 332-7931 FAX (248) 332-8257

Prepared for: Metro International Property Holdings 2500 Enterprise Drive Allen Park, MI 48101

SCALE 1'' = 100'

DATE 2018-07-05 DRAWN

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FINDLEY PROFESSIONAL SURVEYOR NO.

