



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

July 27, 2018

Honorable City Council:

RE: Petition No. 145 – “220 W. Congress Detroit, LLC” request to convey the alley running north-south to congress Street and enter into a maintenance agreement regarding the alley that runs east-west from Shelby Street, both in the block bounded by Fort Street, Shelby Street, Congress & Washington

Petition No. 145 by 220 W. Congress Detroit, LLC, request to outright vacate and convert to easement the north-south alley, 17.75 and 20 feet wide; also to vacate and convert to easement the east-west alley, 20 feet wide, all in the block of Congress Street, 60 feet wide, Fort Street, 100 feet wide, Washington Boulevard, 80 feet wide, and Shelby Street, 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 to allow the alleys to be redefined into a more functional and attractive space for pedestrian traffic in the area.

The request was approved by the Solid Waste Division – DPW, and City Engineering Division – DPW. Traffic Engineering – DPW approves provided that 100% signatures of abutting property owners are secured; however three (3) adjoining property owners have not consented to the closure. The three adjoining owners who have not consented have been notified by mail of the possible closure. The owners of record according to the City of Detroit assessor’s records are:

- 1) Property owner at 201 W. Fort Street:
Atwater Acquisitions LLC
201 West Fort Street
Detroit, Michigan 48226
- 2) Property owner at 211 W. Fort Street:
211 Fort Washington Associates
211 West Fort Street #1604
Detroit, Michigan 48226
- 3) Property owner at 625 Shelby Street:
HB Hospitality Detroit, LLC
P.O. Box 2386
Birmingham, Michigan 48012

The Planning and Development Department has no objection to this proposed change in property. They request that the resolution, if approved, require continued access for service vehicles and garbage pickup in the east-west alley.



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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.


DTE – Gas division reports involvement with existing gas service lines. The estimated costs of removing/relocating their services is \$15,981.84 and a provision for the relocation of DTE – Gas services is a part of the attached resolution.

Comcast reports involvement and the estimated cost of removal/relocation of their services is \$13,915.95 and a provision for the relocation of Comcast services is 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 rights-of-way into a private easements 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

/KM

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

BY COUNCIL MEMBER _____

RESOLVED, that all that part of the east-west alley, 20 feet wide, all in the block of Congress Street, 60 feet wide, Fort Street, 100 feet wide, Washington Boulevard, 80 feet wide, and Shelby Street, 60 feet wide, from the vacated westerly portion of the subject alley to Shelby Street and further described as: land in the City of Detroit, Wayne County, Michigan being part of the east-west alley, 20 feet wide lying northerly of and adjoining the northerly line of Lots 11, 12, 13, and the easterly 20.81 feet of Lot 10, said lots lying northerly of and adjoining the northerly line of Congress Street; said alley also lying southerly of and adjoining the southerly line of Lots 10, 11, 12, and the easterly 20.81 feet of Lot 9 said lots lying southerly of and adjoining the southerly line of Fort Street "The Tract of Land granted by Act of Congress (approved May 20, 1826) to the City of Detroit as the same have been divided into Lots and numbered by order of the Common Council of Said City also known as the Military Tract or Reserve" as recorded in Liber 5 of City Records, on page 218 Wayne County Records.

Be and the same are hereby vacated as a public right-of-way and converted into a 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 over said vacated public alley 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 easements for the purpose above set forth,

Second, said utility easement 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. 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 easements 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,



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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

Sixth, said owners hereby grant to and for the use of the public an easement over said vacated alley herein above described for the purpose of providing access to abutting property owners for emergency use such as fire escapes and service vehicle, including trash receptacles, with the right to ingress and egress at any time to and over said easements for the purpose above set forth.

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



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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 Shelby Street) 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 all of the north-south alley, 17.75 and 20 feet wide in the block of Congress Street, 60 feet wide, Fort Street, 100 feet wide, Washington Boulevard, 80 feet wide, and Shelby Street, 60 feet wide, as opened by deed accepted by Detroit Common Council on May 13, 1958 on J.C.C. pages 1048-1049 and described as follows: parcel of land lying on the North side of Congress Street, East of Wayne Street (Now Washington Boulevard), being a part of Lot 10, Military Reserve, Plat of the United States Grant to the City of Detroit, by the Governor and Judges under Act of Congress May 30, 1826, recorded in Liber 5 on Page 218 City Records, City of Detroit, Wayne County, Michigan, and more particularly described as follows: Beginning at the Southwesterly corner of Lot 8 of said Military Reserve, said point being also the intersection of the easterly line of Wayne Street, 50 feet wide, with the northerly line of Congress Street, 50 feet wide; thence N. 60d 00m E. along the northerly line of Congress Street, 127.45 feet to a point, said point being the southwesterly corner and the point of beginning of the parcel herein described; thence N. 30d 00m W. (at right to Congress Street) 138.00 feet to a point; thence N. 60d 00m E. along the southerly line of a public alley, 20 feet wide, 20.81 feet to a point; thence S. 29d 58m 50s E. 73.00 feet to a point; thence S. 60d 00m W. 3.00 feet to a point; thence S. 29d 58m 50s E. 65.00 feet to a point on the northerly line of Congress Street; thence S. 60d 00m W. along the northerly line of Congress Street 17.75 feet to the point of beginning.

Be and the same are hereby vacated as a public right-of-way and converted into a 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:

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 makes the necessary arrangements with DTE – Gas division for relocation of the existing gas service lines. The estimated costs of removing/relocating their services is \$15,981.84 with all costs to be borne by the petitioner, and further



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Provided, that the petitioner makes the necessary arrangements with Comcast for removal/relocation of their services at an estimated cost of \$13,915.95 to be borne by the petitioner, and further

Provided, that if it becomes necessary to remove the paved alley return at the entrance (into Congress Street) 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.

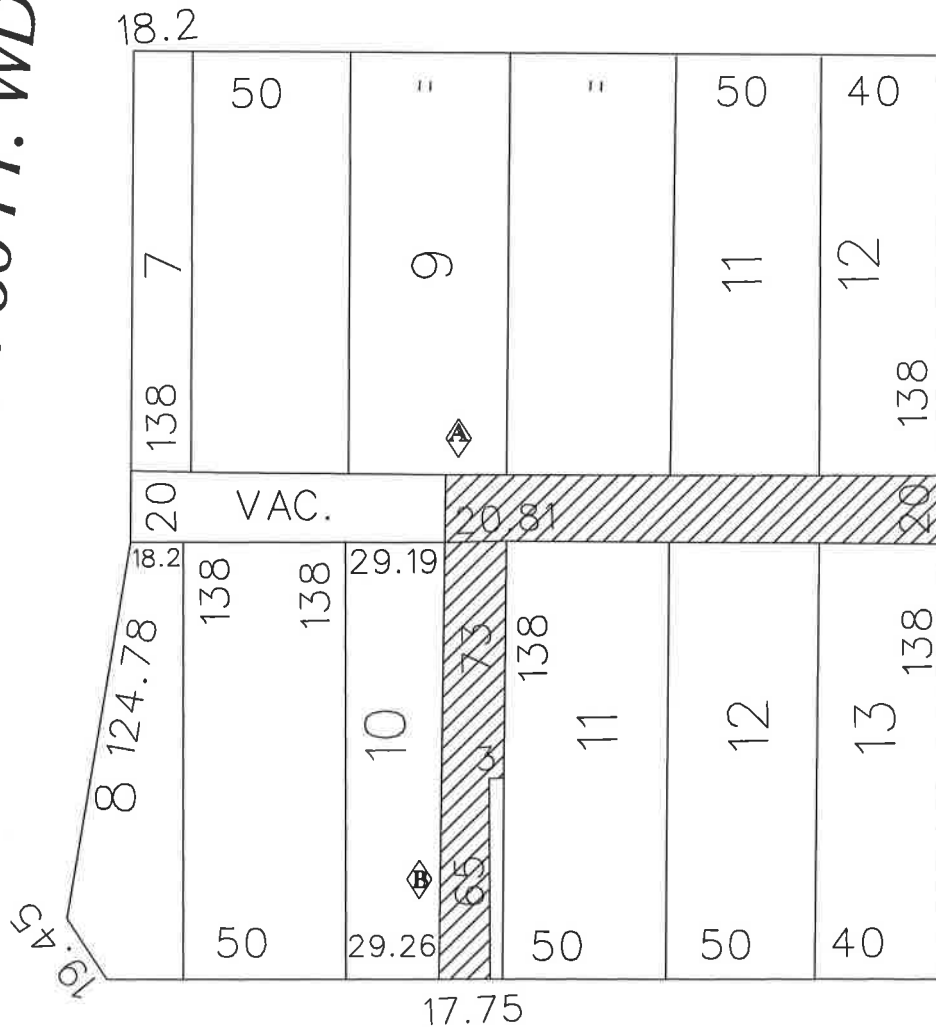
PETITION NO. 145
 220 W. CONGRESS DETROIT LLC
 607 SHELBY, SUITE 400
 DETROIT, MICHIGAN 48226
 C/O ROGER BASMAJIAN
 PHONE NO. 313 727-4886

"REVISED"



FORT ST. 100 FT. WD.

WASHINGTON BLVD. 80 FT. WD.



SHELBY ST. 60 FT. WD.

CONGRESS ST. 60 FT. WD.



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 28 E

B	OUTRIGHT VACATION IS CHANGE TO A CORRIDOR TO EASEMENT	WLW	KSM	KSM	7/27/18
A	OUTRIGHT VACATION IS REPEATED TO SOUTH END OF THE EAST/WEST PUBLIC ALLEY. CONVERSION TO EASEMENT IS EXTENDED 20 FT. TO THE WEST.	WLW	KSM	KSM	5/30/18
REVISIONS		DRWN	CHKD	APPD	DATE
DRAWN BY	WLW	CHECKED	KSM		
DATE	03-02-18	APPROVED			

CONVERSION TO EASEMENT
 THE EAST/WEST PUBLIC ALLEY AND
 THE NORTH/SOUTH PUBLIC ALLEY, VARIOUS WIDTHS
 IN THE BLOCK BOUND BY
 FORT, SHELBY, CONGRESS ST.
 AND WASHINGTON BLVD.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X 145