



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

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September 4, 2019

Honorable City Council:

**RE: Petition No. 248 — College for Creative Studies, request to vacate an alley located between John R. Rd. and Brush Street**

Petition No. 248 — College for Creative Studies request to vacate and convert to easement the east-west alley, 20 feet wide, in the block of Kirby Avenue, 80 feet wide, Ferry Avenue, 80 feet wide, John R. Street, 60 feet wide, and Brush 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 facilitate program services.

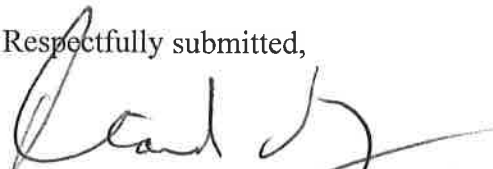
The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW, and City Engineering - DPW.

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. DTE Energy objects because they have services in the area; however a specific provision to maintain access to DTE facilities is a part of 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 east-west alley, 20 feet wide, in the block of Kirby Avenue, 80 feet wide, Ferry Avenue, 80 feet wide, John R. Street, 60 feet wide, and Brush Street, 60 feet wide; further described as land in the City of Detroit, Wayne County, Michigan being:

The east-west alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 1 through 6, both inclusive "Ferry's Subdivision of Park Lot 40 and of Lots 1-18 inclusive of the Farnsworth Subdivision of Park Lots 38 and 39, City of Detroit, Wayne County, Michigan" as recorded in Liber 18, Page 71 of Plats, Wayne County Records; also lying southerly of and adjoining the southerly line of Lots 14 through 19, both inclusive "Plat of D. M. Ferry's Subdivision of Park Lot 41 also showing John R. Street from the South line of Park Lot 40 to the South line of Palmer Avenue" as recorded in Liber 10, Page 4 of Plats, Wayne County Records; also lying northerly of and adjoining the northerly line of Lots 10 through 14, both inclusive, Block 27, and lying southerly of and adjoining the southerly line of Lots 1 through 5, both inclusive, Block 27 "Brush Subdivision of that part of the Brush Farm, lying between the North line of Farnsworth St. and the South line of Harper Avenue, City of Detroit, Wayne County, Michigan" as recorded in Liber 17, Page 28 of Plats, Wayne County Records.

Be and the same is 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 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 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 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 alley 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 alley 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 property owners maintain for DTE Energy, full access to their facilities at all times (i.e. if gated access to the easement is installed, such gated access shall include DTE locks at all ends of the easement) and that free and easy access to the DTE facilities 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 DTE facilities, and further

Provided, that an easement, the full width of the existing rights-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 returns at the entrances (into either John R. Street or Brush Street or both) 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

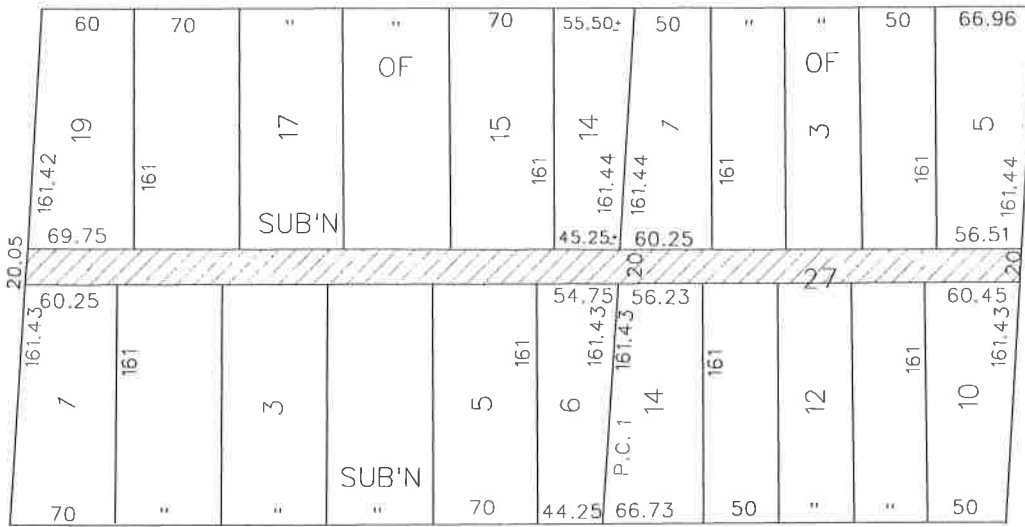
Provided, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 248  
 COLLEGE FOR CREATIVE STUDIES  
 C/O CLARK HILL  
 500 WOODWARD AVE. SUITE 3500  
 DETROIT, MICHIGAN 48226  
 C/O EMILY BALDWIN  
 PHONE NO. 313 965-8300



FERRY AVE. 80 FT. WD.

JOHN R. ST. 60 FT. WD.



BRUSH ST. 60 FT. WD.

KIRBY AVE. 80 FT. WD.

VACATED



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 30 A

B						CONVERSION TO EASEMENT THE EAST/WEST PUBLIC ALLEY, VARIOUS WIDTHS IN THE BLOCK BOUND BY FERRY, KIRBY AVE., BRUSH AND JOHN R. ST.	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A					JOB NO. 01-01			
DESCRIPTION		DRWN	CHKD	APPD	DATE			DRWG. NO. X 248
DRAWN BY		CHECKED		DATE				
WLW		KSM		08-06-18				
DATE		APPROVED						