



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

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September 7, 2018

Honorable City Council:

**RE: Petition No. 393 The Kevin Miller Group, request to partially close alley located between 17020 and 17040 East 8 Mile Rd.**

Petition No. 393 by The Kevin Miller Group request to vacate and convert to easement the north part of the north-south public alley, 20 feet wide, in the block of Carlisle Drive, 60 feet wide, East Eight Mile Road, 204 feet wide, Cushing Avenue, 86 feet wide and Kelly Road, 204 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 commercial development and land parcel combination.

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 – electric reports involvement and access must be maintained to their facilities. Provisions for DTE Energy access 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 of the north part of the north-south public alley, 20 feet wide, in the block of Carlisle Drive, 60 feet wide, East Eight Mile Road, 204 feet wide, Cushing Avenue, 86 feet wide and Kelly Road, 204 feet wide, and further described as: land in the City of Detroit, Wayne County, Michigan, being the public alley, 20 feet wide, lying westerly of and adjoining the westerly line of Lots 96 through 101, both inclusive, and lying easterly of and adjoining the easterly line of Lots 103, 104, and 105 "Ternes Superhighway Subdivision of fractional Section 5, T1S., R.13E. City of Detroit, Wayne County, Michigan" as recorded in Liber 61, Page 72 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 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 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 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), 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 DTE Energy-electric has access to their equipment at all times for maintenance and restoration to insure the reliability of electric service to the area, and be it further

Provided, that an easement, the full width of the existing right-of-way, is reserved for the DTE Electric Company (DTE) for the purpose of installing, maintaining, repairing, removing, or replacing any overhead and underground utilities facilities which may consist of underground tunnels, underground vaults, pipelines, poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories (collectively DTE facilities) 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 DTE Facilities within the easement 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 the DTE Facilities; 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 fences, 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 DTE; 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 incidental to such removal and/or relocation. It is further provided that if any DTE Facilities 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 incidental to the repair of such broken or damaged DTE Facilities, and shall also be liable for all claims for damages resulting from his/her actions; and be it 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

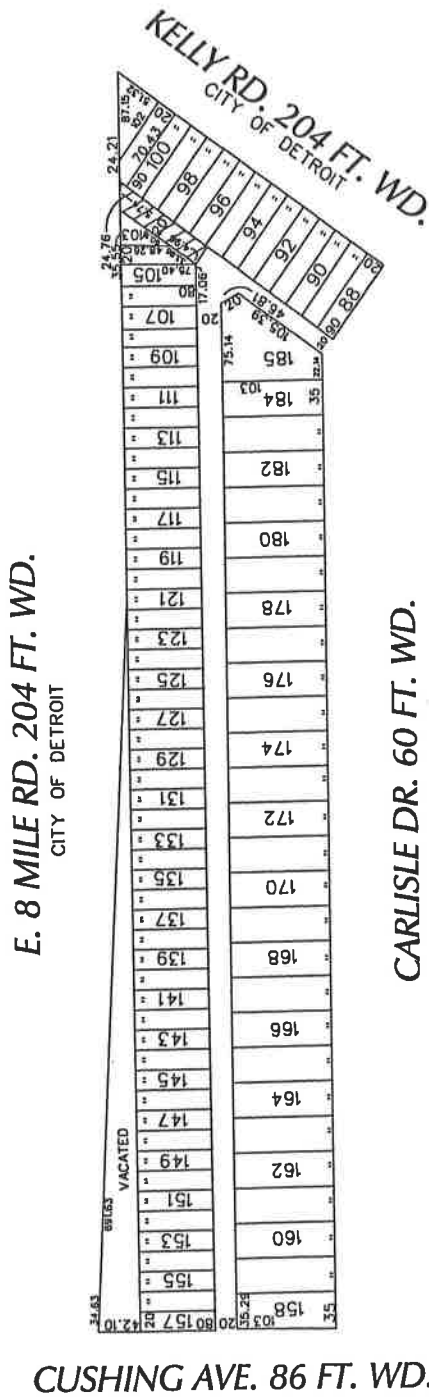
Provided, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be 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 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 return at the entrance (into East Eight Mile Road) 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. 393  
 THE KEVIN MILLER GROUP  
 28872 PIEDMONT  
 FARMINGTON HILLS, MICHIGAN 48331  
 C/O KEVIN MILLER  
 PHONE NO. 248 444-7030



 - CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 95 A

<b>B</b>						<b>CONVERSION TO EASEMENT          THE NORTH PORTION OF THE          NORTH/SOUTH PUBLIC ALLEY, 20 FT. WD.          IN THE BLOCK BOUND BY          CARLISLE DR., CUSHING AVE., E. 8 MILE          AND KELLY RD.</b>	<b>CITY OF DETROIT          CITY ENGINEERING DEPARTMENT          SURVEY BUREAU</b>
<b>A</b>							<b>JOB NO. 01-01</b>
<b>DESCRIPTION</b>		<b>DRWN</b>	<b>CHKD</b>	<b>APPD</b>	<b>DATE</b>		<b>DRWG. NO. X 393</b>
<b>REVISIONS</b>							
<b>DRAWN BY</b> WLW		<b>CHECKED</b> KSM					
<b>DATE</b> 06-29-18		<b>APPROVED</b>					