

Janice M. Winfrey  
City Clerk

**City of Detroit**  
OFFICE OF THE CITY CLERK

Caven West  
Deputy City Clerk/Chief of Staff

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Tuesday, July 17, 2018*

*To: The Department or Commission Listed Below*

*From: Janice M. Winfrey, Detroit City Clerk*

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The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

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PLANNING AND DEVELOPMENT DEPARTMENT    DPW - CITY ENGINEERING DIVISION

**452**      *Wayne County, request the outright vacation of the Utility Easement located on the block bounded by Russell, Riopelle, Fredrick and Kirby.*

*8/6/18 - TALKED TO MR. SCOTT CLEND. HE WILL PROVIDE WAYNE COUNTY OWNERSHIP PAPERS TO USE*



July 10, 2018

Honorable Detroit City Council  
C/o Detroit City Clerk  
2 Woodward Avenue  
200 Coleman A. Young Municipal Center  
Detroit, Michigan 48226

RE: Request to Outright Vacate Utility Easement  
On the Block Bounded By  
Russell, Riopelle, Frederick and Kirby

Project: Wayne County  
Justice Complex

Project Number: 19252.03D

Wayne County, as owner of the property located at 5300 Russell Street, has authorized Giffels Webster to request and facilitate the vacation of a utility easement on the subject property. Giffels Webster, headquartered at 28 W. Adams, Suite 1200, Detroit, Michigan 48226, therefore respectfully requests the City of Detroit outright vacate the following utility easement:

- Outright vacation of an 18' wide utility easement within the previously vacated [with easement] alley extending north from Frederick Ave, adjacent to lot 25 of the *Guoin Farm Subdivision North of Gratiot Road*. The current easement also borders lots 6 – 10 of *Patrick's Subdivision of Guoin Farm North of Gratiot Road*. Approximate limits of the vacation can be found in Exhibit 1, enclosed herein.

Giffels Webster has been authorized to facilitate the requested vacation. We will be working with the City of Detroit's Department of Public Works–City Engineering Division, and all stakeholders to achieve vacations that are satisfactory to all interested parties.

The requested vacation will neither impede pedestrian and vehicular traffic, nor will it interfere with the maintenance of the public rights-of-way, including utility company and Fire and Police Departments access. Furthermore, the existing sewer located within this easement does not service other properties and can be removed without negative impact on the community. Please refer to the supplemental information enclosed for details.

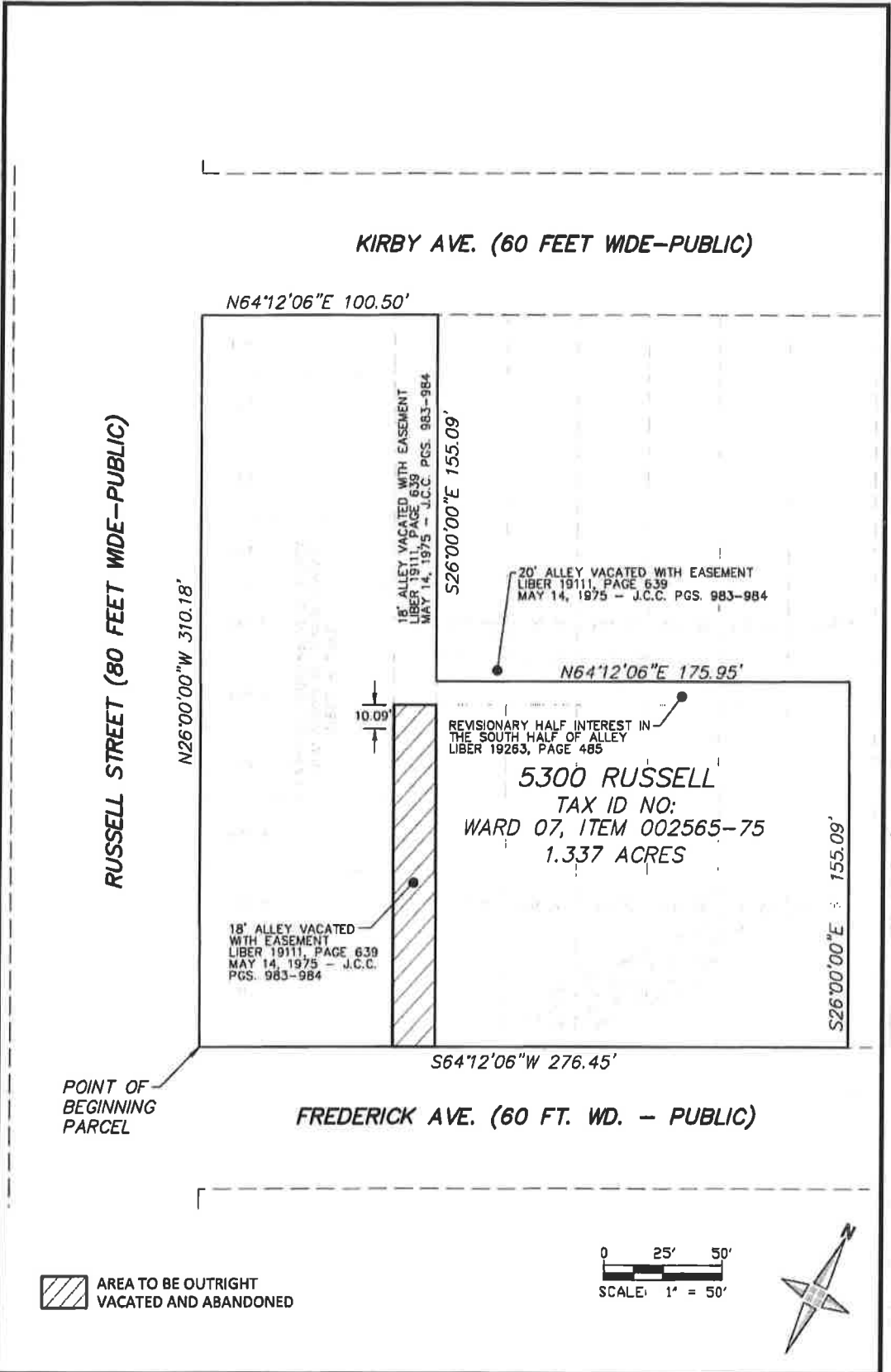
If you should have any questions, please do not hesitate to contact Scott Clein by phone, at 313.962.4442, or by email, at [sclein@giffelswebster.com](mailto:sclein@giffelswebster.com).

Respectfully,

A handwritten signature in blue ink that reads "Scott Clein".

Scott-Clein, PE  
President | Partner  
Giffels Webster

CITY CLERK 10 JUL 2018 AM 11:30



N:\19190001\9353\_064 - Parcel at Russell\Drawings\1530200 13377010 Estimated Vacations.dwg

5300 RUSSELL

DETROIT, WAYNE COUNTY, MICHIGAN

SKETCH OF DESCRIPTION

**giffels webster**  
 Engineers Surveyors Planners  
 Landscape Architects

28 West Adams Road  
 Suite 1200  
 Detroit, MI 48226  
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Executive: J.N.R.  
 Manager: A.L.G.  
 Designer: A.L.G.  
 Quality Control: M.P.M.  
 Private Claim: 7  
 T-01-S, R-12-E

Developed For:

DATE	ISSUE

Date: 06.20.18  
 Scale: 1"=50'  
 Sheet: 1 OF 2  
 Project: 10252.03D

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Honorable City Council  
Re. Petition No. 259, Community & Economic Development Department, Alley Vacations in Milwaukee Junction Project No. 2

We wish to advise that in carrying out the development plan for the area known as the Milwaukee Junction Project No. 2, which is being undertaken by the City pursuant to Act 344 of the Public Acts of 1945 as amended, the Community and Economic Development Department has requested that certain alleys be vacated.

Subsequently, the petitioners have requested that the petition be changed from the vacation of the alleys to a request for the conversion of some to easements for public utilities. This change is in accordance with the Modified Right of Way Adjustment Plan for the project.

The petitioner has agreed to issue Interdepartmental Purchase Orders for the following:

Public Lighting Department: For the estimated cost to relocate overhead lighting facilities from the alleys to be vacated \$1,000.00.

Environmental Protection and Maintenance Department - Intersection Fund: For the original cost of paving the streets at the intersection with the alleys to be vacated \$936.00.

The petitioner has requested that the paved returns at the entrance to the alleys to be vacated be removed and new sidewalk and curb be constructed by private contract; the City Engineering Department has no objection provided the work is done under City permit and inspection and according to City Engineering Department specifications with the entire cost being borne by the petitioner.

All other involved City departments and privately owned utility companies reported that they have no objection to the proposed conversions to easements or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
HERMAN T. DUDLEY  
Director

Approved:

JAMES W. WATTS Director  
Environmental Protection & Maintenance Dept.

By Council Member Cleveland:

Resolved, That all that part of the north-south public alley, 18 feet wide, in the block bounded by Russell, Ripelle, Frederick, and Kirby Avenues; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Russell, Ripelle, Frederick and Kirby Avenues; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Ripelle, the Grand Trunk Railroad Right of Way, Frederick, and Kirby.

All of the above alleys appear in the following subdivisions:

"Patrick's Subdivision" of lots 21, 22, 23, 24, 27, 28, 29, 43, and 188 feet of Lot 44 including vacated alley north of lots 21, 22, 23, and 24 and south of lots 27, 28, 29, 40 of the Subdivision of Outlots 7, 8, and 9, Guoin Farm, north of Gratiot Road, Detroit, Wayne County, Michigan, as recorded in Liber 9, Page 67, Plats, Wayne County records; and

"Plat of the Subdivision of Outlots 7, 8, and 9, Guoin Farm" north of Gratiot Road, T-35, R-12E, City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 15, Plats, Wayne County Records; and

"Andrus and Warren Subdivision" of part of the Ripelle Farm between Farnsworth Street and Ferry Avenue, Detroit, Wayne County, Michigan as recorded in Liber 16, Page 2, Plats, Wayne County records.

Be and the same are hereby vacated as public alleys and are hereby converted into public easements of the full width of the alleys, which easements shall be subject to the following covenants and agreements, reservations and restrictions, which shall be observed by the owners of the lots abutting on said alleys and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public easements or rights of way over said vacated public alleys heretofore 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 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 fence) shall be built or placed upon said easements, nor any change of surface grade made, without prior approval by the City Engineering Department.

THIRD, that if at any time in the future 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 easements such owners, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Provided Further, that if any utility located or to be located in said property shall break or be damaged as a result of any action on the part of the petitioner or assigns (by way of illustration but not limitation), such as storage of excessive weights of materials or construction not in accordance with Section 2 mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and be it further

Resolved, That the removal of the paved alley returns, construction of new sidewalk and curb be done by private contract under City permit and inspection, according to City Engineering Department specifications with the entire cost being borne by the petitioner.

Adopted as follows:

Yeas - Council Members Browne, Cleveland, Eberhard, Henderson, Kelley, Rogell, and President Pro Tem Hood - 7.

Nays - None.

RECONSIDER (No. 7), per motions before adjournment.

MAY 14, 1975

J.C.C. PGS. 983-84

2014-10-24

**452**

**452** *Petition of Wayne County, request the  
outright vacation of the Utility  
Easement located on the block  
bounded by Russell, Riopelle,  
Fredrick and Kirby.*

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REFERRED TO THE FOLLOWING DEPARTMENT(S)

PLANNING AND DEVELOPMENT DEPARTMENT DPW -  
CITY ENGINEERING DIVISION