



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

October 24, 2019

Honorable City Council:

**RE: Petition No. 497 — Wayne State University, request for vacation of public alley and easement for rights-of-way located in the Cass Avenue, West Forest Avenue, 0Second Blvd. and West Hancock block.**

Petition No. 497 — Wayne State University (WSU), request to outright vacate the south part of the north-south alley, 17 feet wide, first west of Cass Avenue; also to vacate and convert to easement the north part of the north-south alley, 18 feet wide, first west of Cass Avenue; also to dedicate land for a turnaround in the east-west alley, variable width. All of the alleys in the block of Forest Avenue, 70 feet wide, Hancock Avenue, 70 feet wide, Second Boulevard, 100 feet wide, and Cass Avenue, 80 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 so that Wayne State University can construct a new development known as the “Hilberry Gateway Performance Complex” involving building renovation of the existing Hilberry Theatre; and construction of a 71,300 square foot addition.

The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW (TED), and City Engineering – DPW (CED). The construction of the proposed turnaround in the alley will be done under plans approved by both TED and CED. Provisions for the turnaround to be constructed under plans approved by TED and permits from CED are a part of the resolution.

Detroit Water and Sewerage Department (DWSD) has no objection to the conversion to easement and outright vacation. The specific DWSD provisions for easements and vacations are included in the resolution.

DTE Energy reports having services in the area. WSU has already made arrangements to relocate the DTE facilities. Provisions to maintain access to DTE facilities in the easement area; and to pay for the removal work for the vacation is a part of the resolution.

AT&T reports having services in the area. WSU has already made arrangements to relocate the AT&T facilities. Provisions to maintain access to AT&T facilities in the easement area; and to pay for the removal work for the vacation is a part of the resolution.



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

All other involved City Departments, and privately owned utility companies have reported no objections to the outright vacation of the public right-of-way, and 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,

A handwritten signature in black ink, appearing to read "Richard Doherty", written over a horizontal line.

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 alley, 18 feet wide, first west of Cass Avenue in the block of Forest Avenue, 70 feet wide, Hancock Avenue, 70 feet wide, Second Boulevard, 100 feet wide, and Cass Avenue, 80 feet wide; Further described as land in the City of Detroit, Wayne County, Michigan being:

Part of the north-south alley, 18 feet wide, lying easterly of and adjoining the easterly line of Lot 5, also lying westerly of and adjoining the westerly line of Lots 1, 2, 3 and 4 all in Block 1 "Cass Farm Co. Limited Subdivision of Blocks 103, 105, 107, and 109 of the Cass Farm" as recorded in Liber 18, Page 81 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. gated access with 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 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 Hancock Avenue) 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 be it also

**RESOLVED**, that all of the south part of the north-south alley, 17 feet wide, first west of Cass Avenue, in the block of Forest Avenue, 70 feet wide, Hancock Avenue, 70 feet wide, Second Boulevard, 100 feet wide, and Cass Avenue, 80 feet wide; Further described as land in the City of Detroit, Wayne County, Michigan being:

Part of the north-south alley, 17 feet wide, lying easterly of and adjoining the easterly line of Lot 26, also lying westerly of and adjoining the westerly line of Lots 28, 29, 30 and the south 26.34 feet of Lot 27 "Canfield's Subdivision of O.L. 101 of the subdivision of the Cass Farm" as recorded in Liber 13, Page 27 of Plats, Wayne County Records (also recorded in Chancery File 12221, Wayne County Records).

Be and the same is hereby vacated (outright) as public right-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 private easements for specific utility companies, if necessary, and further

Provided, that the petitioner make the necessary arrangements with DTE Energy for the removal of their facilities and miscellaneous associated work with the cost borne by the petitioner and further

Provided, that the petitioner make the necessary arrangements with AT&T for the removal of their facilities and miscellaneous associated work with the cost borne by the petitioner, and further

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

Provided, that the plans for the sewers 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 to issue permits for the construction of the sewers; 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 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 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 shall provide a one (1) year warranty for the proposed sewers, and further

Provided, that upon satisfactory completion, the sewers shall become City property and become part of the City system. And any existing sewers that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City; and further

Provided, that any construction in the public rights-of-way such as 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 be it also

**RESOLVED**, that that your Honorable Body authorize the acceptance of the following described property from Wayne State University for public right-of-way purposes:

Part of Lots 5 and 6, Block 1 “Cass Farm Co. Limited Subdivision of Blocks 103, 105, 107, and 109 of the Cass Farm” as recorded in Liber 18, Page 81 of Plats, Wayne County Records; and being more particularly described as follows: Beginning at a point in the South line of said Lot 5, said point being S66°51’48”W 11.43 feet from the southeast corner of said Lot 5; thence S66°51’48”W along the southerly line of said Lots 5 and 6 a distance of 58.00 feet; thence 12.57 feet along the arc of a curve, concave to the northwest, with a delta of 90°00’00”, and a radius of 8.00 feet, and a long chord of 11.31 feet which bears N21°51’48”E; thence N23°08’12”W 39.25 feet; thence N66°51’48”E 20.00 feet; thence S23°08’12”E 17.25 feet; thence 47.12 feet along the arc of a curve, concave to the northeast, with a delta of 90°00’00”, and a radius of 30.00 feet, and a long chord of 42.43 feet which bears S68°08’12”E to a point in the South line of said Lot 5 and the Point of Beginning. Containing 1151.88 square feet, more or less.

PROVIDED, That the Wayne State University (WSU) or their assigns shall design and construct the new alley turnaround as required by the City Engineering Division – DPW (CED)/Street Design Bureau and the Traffic Engineering Division – DPW; and further

PROVIDED, that the WSU or their assigns shall be responsible for arranging the financing of the entire cost of the proposed right-of-way construction, including inspection, survey and engineering; and further

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

PROVIDED, that all taxes with respect to property of which the Dedication Area is a part of shall be paid and proof thereof furnished to the Law Department and/or City Engineering Division – DPW; and further

PROVIDED, that proof of compliance with Detroit Ordinance No. 29-94, Detroit Code Sections 2-1-11 through 2-1-15 also known as the Environmental Review Guidelines, is furnished to the Law Department and/or City Engineering Division – DPW; and further

PROVIDED, that the fee owner submit a properly executed deed acceptable to the Law Department and/or City Engineering Division – DPW; and

PROVIDED, That the petitioner obtain Traffic Engineering Division, signature of approval on the final design and plans for the construction of the alley turnaround; and be it further

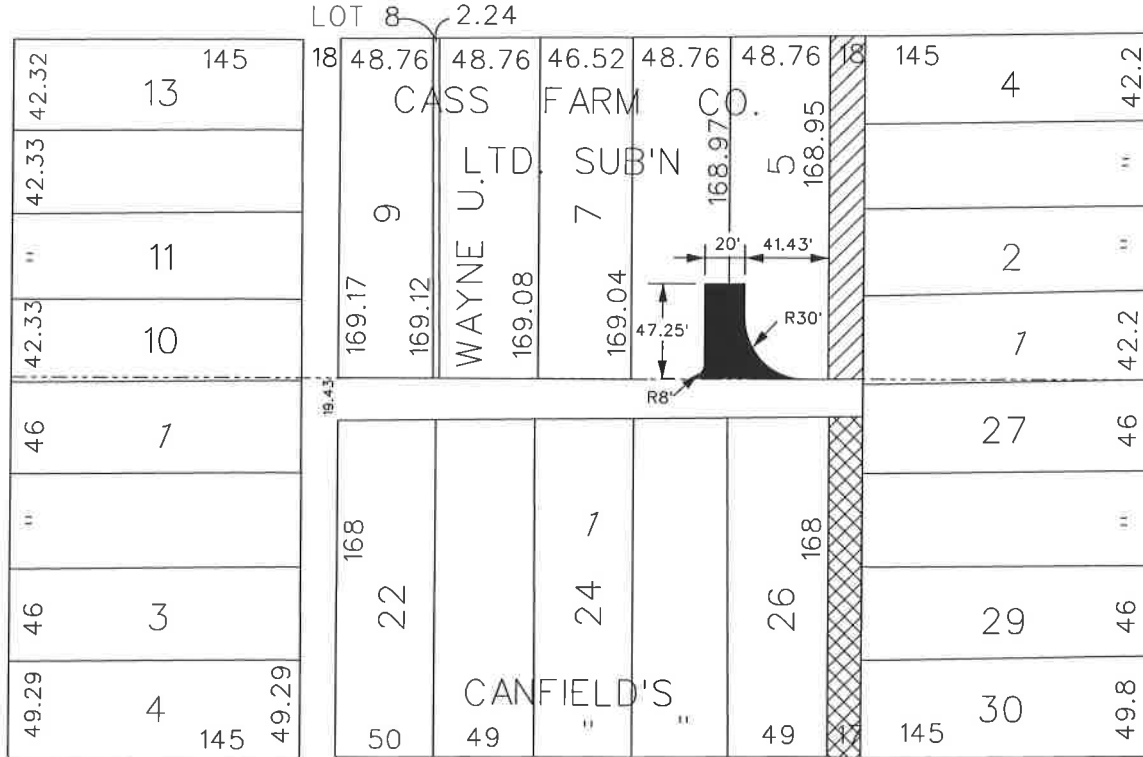
PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 497  
 WAYNE STATE UNIVERSITY  
 5700 CASS AVE, SUITE 4900  
 DETROIT, MICHIGAN 48202  
 C/O TREESA JOHN  
 PHONE NO. 313 577-0368






**HANCOCK AVE. 70 FT. WD.**

**SECOND BLVD. 100 FT. WD.**



**CASS AVE. 80 FT. WD.**

-  - DEDICATION FOR TURNAROUND
-  - OUTRIGHT VACATION
-  - CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 30 E

B					
A					
	DESCRIPTION	DRWN	CHKD	APPD	DATE
	REVISIONS				
	DRAWN BY	WLW	CHECKED	KSM	
	DATE	11-05-18	APPROVED		

REQUEST TO OUTRIGHT VACATE  
 THE SOUTH PORTION OF PUBLIC ALLEY, 17 FT. WD.  
 REQUEST FOR DEDICATION FOR TURNAROUND AND  
 CONVERSION TO EASEMENT  
 THE NORTH PORTION OF PUBLIC ALLEY, 18 FT. WD.  
 IN THE BLOCK BOUND BY  
 HANCOCK, CASS, FOREST AVE.  
 AND SECOND BLVD.

<b>CITY OF DETROIT</b>	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 497