



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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October 21st, 2022

Honorable City Council:

RE: Petition No. 611 — Department of Public Works, City Engineering Division, request to vacate public streets: Old Atwater from Shelby to Woodward Ave; Woodward from Jefferson to the Detroit River; and Griswold from Old Atwater to Jefferson. Also dedicate for public use Bates Street from New Atwater Street to Jefferson Avenue.

Petition No. 611 — Department of Public Works, City Engineering Division request to vacate Atwater Street, 50 feet wide, from Shelby Street, variable width, to Woodward Avenue, 120 feet wide; also Griswold Street, 50 feet wide, from Jefferson Avenue, 210 feet wide, to Atwater, 50 feet wide; also Woodward Avenue, 120 feet wide, from Jefferson Avenue, 210 feet wide to the United States Harbor Line of the Detroit River. Also dedicate for public use Bates Street, various widths, from New Atwater Street to Jefferson Avenue.

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 in order to vacate the existing rights-of-way that are currently used as a part of Hart Plaza. Woodward Avenue, due to its proximity to the river, will need to be vacated by a Court of Law. A special provision authorizing the Law Department to vacate Woodward Avenue through the court system is included in the resolution. Bates Street was vacated by Your Honorable Body on August 2nd, 1955 (JCC page 1623) as part of the waterfront development. Bates Street has continued to function as a public right of way since the vacation was approved.

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 included are part of the attached resolution. The specific DWSD provisions for easements are also included in the 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 Atwater Street, 50 feet wide, from Shelby Street, (now Civic Center Drive) variable width, to Woodward Avenue, 120 feet wide; also Griswold Street, 50 feet wide, from Jefferson Avenue, 210 feet wide, to Atwater, 50 feet wide; also Woodward Avenue, 120 feet wide, from Jefferson Avenue, 210 feet wide to the United States Harbor Line of the Detroit River; further described as land in the City of Detroit, Wayne County, Michigan being:

- 1) Atwater Street, 50 feet wide, from Shelby Street, variable width, to Woodward Avenue, 120 feet wide, lying northerly of and adjoining the northerly line of Lots 111, 112, the easterly 20 ft of lot 113 and vacated Griswold adjoining, also lying southerly of and adjoining the southerly line of Lots 102, 103, and the easterly 20 ft of lot 101 and Griswold adjoining "Plat of the Jones Property Known as the Beard and Greely Claims, Section 3-Governor and Judges Plan, City of Detroit" as recorded in Liber 1, Page 290 of Plats, Wayne County Records; also lying southerly of and adjoining the southerly line of Lots 106 and 107, and Griswold adjoining "Plan of the Section Numbered Three in the City of Detroit in the Territory of Michigan, confirmed unanimously by the Governor and Judges on the 27th day of April 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board" as recorded in Liber 34 , Page 548 of Deeds, Wayne County Records; also lying northerly of and adjoining the northerly line of Lots 109 and 110 and vacated Griswold adjoining "Additional Water Lots in Sections 3 and 4, September 6th 1831" as recorded in Liber 5, Page 197 of City Records, Wayne County Records; Atwater Street, 50 feet wide, bounded on the east by the westerly line of Woodward Avenue, 120 feet wide, and bounded on the west by the easterly line of Civic Center Drive, variable width.
- 2) Griswold Street, 50 feet wide, from Jefferson Avenue, 210 feet wide, to Atwater, 50 feet wide, lying westerly of and adjoining the westerly line of Lots 4, 51, 52, 58, 57, 105, and 106 and vacated alley adjoining and vacated Woodbridge adjoining and excepting that part of Lot 4 taken for widening Jefferson Avenue "Plan of the Section Numbered Three in the City of Detroit in the Territory of Michigan, confirmed unanimously by the Governor and Judges on the 27th day of April 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board" as recorded in Liber 34 , Page 548 of Deeds, Wayne County Records; also lying easterly of and adjoining the easterly line of Lots 5 and K and vacated alley adjoining and vacated Woodbridge adjoining excepting that part of Lot 5 taken for widening Jefferson Avenue "Plat of the Subdivision of the Cooper Property being part of the Robertson and Seek or Meldrum Lots also other property situated between Jefferson Avenue and Woodbridge Street, Griswold and Shelby Streets, City of Detroit" as recorded in Liber 5, Page 31 Plats, Wayne County Records; also lying easterly of and adjoining the easterly line of Lots 59, 60, 104 and 103 and vacated alley adjoining and vacated Woodbridge Street adjoining "Plat of the Jones Property Known as the Beard and Greely Claims, Section 3-Governor and Judges Plan, City of Detroit" as recorded in Liber 1, Page 290 of Plats, Wayne County Records.
- 3) Woodward Avenue, 120 feet wide, from Jefferson Avenue, 210 feet wide to the United States Harbor Line of the Detroit River lying westerly of and adjoining the westerly line of Lots 7, and Lots 61 through 66, both inclusive and Lots 184, 185, and 186 and vacated Woodbridge Street adjoining, and vacated Atwater Street adjoining, excepting that part of Lot 7 taken for the widening of Jefferson Avenue "Plan of the Section Numbered Four in

the City of Detroit in the Territory of Michigan, confirmed unanimously by the Governor and Judges on the 27th day of April 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board” as recorded in Liber 34 , Pages 546-547 of Deeds, Wayne County Records; also lying easterly of and adjoining the easterly line of Lots 109, 117 and 118, “Additional Water Lots in Sections 3 and 4, September 6th 1831” as recorded in Liber 5, Page 197 of City Records, Wayne County Records; also lying easterly of and adjoining the easterly line of Lots 1, 53, 54, 55, 56, 108, and 107 and vacated Woodbridge Street adjoining, and Atwater Street adjoining, and excepting that part of Lot 1 taken for the widening of Jefferson Avenue “Plan of the Section Numbered Three in the City of Detroit in the Territory of Michigan, confirmed unanimously by the Governor and Judges on the 27th day of April 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board” as recorded in Liber 34 , Page 548 of Deeds, Wayne County Records. Except that part of Woodward dedicated for below grade public access of Atwater Street, as dedicated by Your Honorable Body on February 26th, 2020.

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 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 the City of Detroit Law Department is hereby authorized and directed to take any actions it deems necessary including court proceedings in order to vacate and convert to easement the described portions of Woodward Avenue, Atwater Street, and Griswold Street due to their proximity to the Detroit River, and further

RESOLVED, that that your Honorable Body authorize the acceptance of the following described properties owned by the City of Detroit for public street purposes:

1. The westerly 39 feet of platted Bates Street, originally platted at 50 ft. wide, lying south of Jefferson Avenue, as widened to 210 feet, and New Atwater Street, various widths; a triangular part of lot 4 of "SEC 4 of Governors and Judges Plan" as recorded in L. 34 P. 546-7 of Plats, Wayne County Records and part of the east-west vacated alley lying south of and adjacent to said lot 4, vacated per by Your Honorable Body on July 26th, 1955 (JCC page 1579). Said triangular piece being 20 feet along the north line of lot 4, excluding that part taken for the widening of Jefferson Avenue and starting from the northeast corner, being 25.61 feet along the west line. The easterly 5 feet of said vacated alley, lying southerly of and adjacent to lot 4, lots 59-60, vacated Woodbridge Street, vacated by Your Honorable Body on November 7th, 1974 (JCC page 2365), lots 67-70, and part of vacated Old Atwater Street, vacated by Your Honorable Body on November 7th, 1974 (JCC page 2365). Also the easterly 16 feet of part of Old Atwater Street, lots 182-183, the vacated alley lying southerly of and adjacent to lot 182, vacated by Your Honorable Body on November 7th, 1974 (JCC page 2365), and lots 180-181, all within "SEC 4 of Governors and Judges Plan" as recorded in L. 34 P. 546-7 of Plats, Wayne County Records. Also described as beginning from the northeast corner of lot 4 of "SEC 4 of Governors and Judges Plan" as recorded in L. 34 P. 546-7 of Plats, Wayne County Records, excluding that part taken for the widening of Jefferson Avenue, and following the southerly line of Jefferson Avenue east 39 feet, S 59-39-22 W, thus S 30-09-34 E 610 feet to the north line of New Atwater Street, thus S 59-39-14 W 55 feet along the northerly line of New Atwater Street, thus N 30-09-34 W 200 feet, to the south line of vacated Old Atwater Street, thus N 17-45-48 W 51.24 feet to the north line of vacated Old Atwater Street, thus N 30-09-34 W 330 feet, thus N 58-16-48 W 33.95 along the west side of said triangular piece to the south line of Jefferson Avenue, thus N 59-39-22 E 21 feet to the point of beginning.

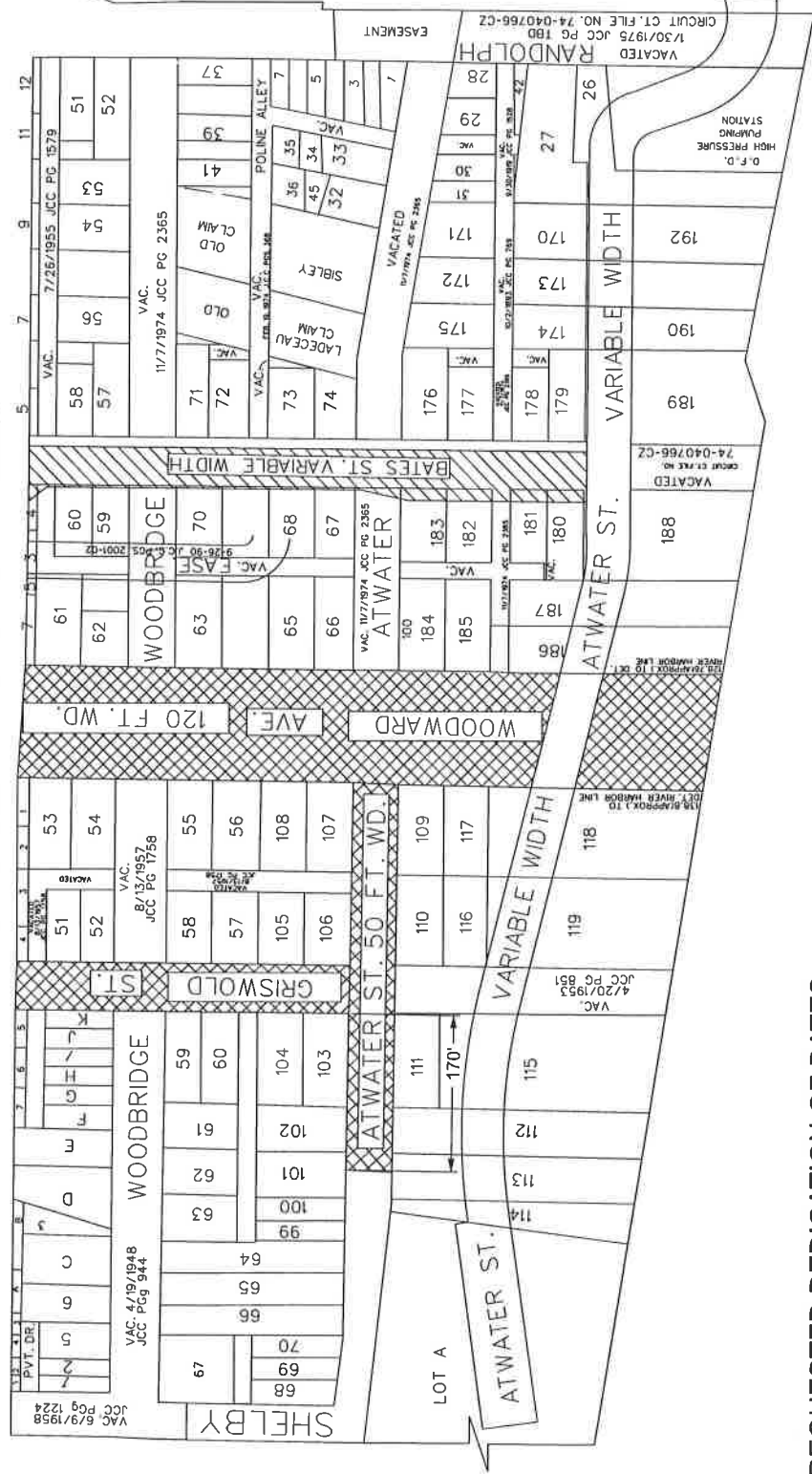
PROVIDED, that the entire work in constructing the new streets is to be performed in accordance with plans and specifications approved by City Engineering Division – DPW (CED) and constructed under the inspection and approval of CED; and further

PROVIDED, That the petitioner obtain Traffic Engineering Division, signature of approval on the final design and plans for the construction of the streets; 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. 611

JEFFERSON AVE. 210 FT. WD.



- REQUESTED DEDICATION OF BATES

- REQUESTED VACATION

REQUESTED VACATION OF PUBLIC STREETS:
 OLD ATWATER FROM SHELBY TO WOODWARD
 GRISWOLD FROM OLD ATWATER TO JEFFERSON
 WOODWARD FROM DETROIT RIVER TO JEFFERSON.
 ALSO, DEDICATION OF BATES (VARIABLE WIDTH) FROM JEFFERSON
 TO NEW ATWATER

B				
A	DESCRIPTION	DRWN	CHKD	APPD DATE
	REVISIONS			
	DRAWN BY	MC	CHECKED	
	DATE	07-18-22	APPROVED	JD

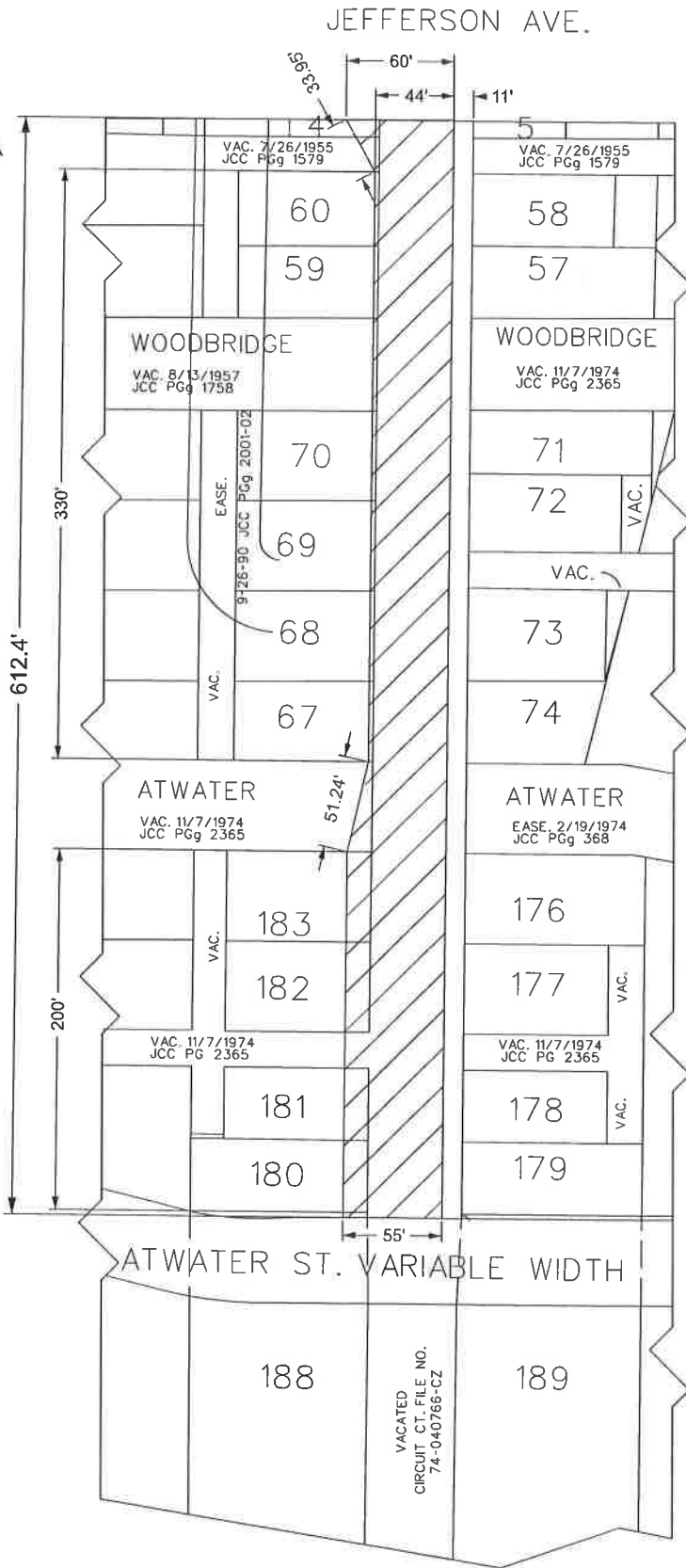
CITY OF DETROIT
 CITY ENGINEERING DIVISION
 SURVEY BUREAU

JOB NO. CARTO 28 E & F
DRWG. NO. (FOR OFFICE USE ONLY)

PETITION NO. 611



WOODWARD AVE.



DETROIT RIVER

RANDOLPH ST.

RENAISSANCE DR.

- REQUESTED DEDICATION OF BATES



B					
A	DESCRIPTION	DRAWN	CHECKED	APPD.	DATE
	REVISIONS				
	DRAWN BY	MC	CHECKED		
	DATE	8/31/2022	APPROVED	JD	

REQUEST DEDICATION OF PUBLIC STREET
BATES ST. FROM E. JEFFERSON AVE.
TO ATWATER ST.

CITY OF DETROIT
CITY ENGINEERING DIVISION

SURVEY BUREAU

CARTO 28 E & F

(FOR OFFICE USE ONLY)