

TRUE COPY CERTIFICATE

Form C of D-16-CE

STATE OF MICHIGAN, }  
City of Detroit } ss.

CITY CLERK'S OFFICE, DETROIT

I, JANICE M. WINFREY, City Clerk of the City of Detroit, in said State, do hereby certify that the annexed paper is a TRUE COPY OF RESOLUTION

adopted (passed) by the City Council at session of

SEPTEMBER 10 20 19

and approved by Mayor

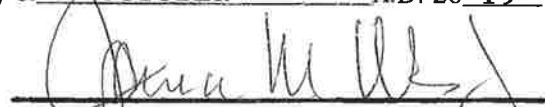
SEPTEMBER 16 20 19

as appears from the Journal of said City Council in the office of the City Clerk of Detroit, aforesaid; that I have compared the same with the original, and the same is a correct transcript therefrom, and of the whole of such original.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said City, at

Detroit, this 4th

day of OCTOBER A.D. 20 19

  
CITY CLERK



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

USE

~~194~~ (Revised)

COLEMAN A. YOUNG MUNICIPAL CENTER  
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DETROIT, MICHIGAN 48226  
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August 29, 2019

Honorable City Council:

**RE: Petition No. 867 — Detroit Department of Public Works City Engineering Division, request to vacate portions of the following streets: Conner Lane, Canal Street and Korte Street, and certain other alleys for the expansion of FCA US LLC automotive plant.**

Petition No. 867 — Detroit Department of Public Works City Engineering Division on behalf of FCA US LLC (FCA) requesting the vacation of the following six (6) street and alley segments:

- 1) Conner Lane, 33 feet wide, from south line of Mack Service Road, variable width, to dead end, south of Warren Avenue, 105 feet wide.
- 2) Canal Street and Korte Street, 50 feet wide, from south line of Freud Avenue, 60 feet wide, to dead end, north of the Detroit River.
- 3) East part of the east-west alley, 18 feet wide, (now an easement) in the block of Goethe Avenue, 60 feet wide, Mack Avenue, 124 feet wide, Beniteau Avenue, 70 feet wide, and St. Jean Avenue, 66 feet wide.
- 4) West part of the east-west alley, 18 feet wide, in the block of Beniteau Avenue, 70 feet wide, St. Jean Avenue, 66 feet wide, Kercheval Avenue, 80 feet wide, and, East Vernor Highway, 60 feet wide.
- 5) North-south alley, 20 feet wide, in the block of Beniteau Avenue, 70 feet wide, St. Jean Avenue, 66 feet wide, Kercheval Avenue, 80 feet wide, and, East Vernor Highway, 60 feet wide.
- 6) North-south alley, 20 feet wide, in the block of Beniteau Avenue, 70 feet wide, St. Jean Avenue, 66 feet wide, Charlevoix Avenue, 60 feet wide, and, Goethe Avenue, 60 feet wide.

This request includes an access encroachment under the Mack Avenue Bridge for FCA.

Also, requesting an encroachment of subsurface drainage pipe into Beniteau Avenue, 70 feet wide, between Kercheval Avenue, 80 feet wide, and, East Vernor Highway, 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 for the proposed expansion of FCA's automotive plant on the east side of St. Jean Avenue. FCA shall pay the costs required to abandon and relocate active utility lines in the subject streets and alleys. Alternatively, FCA may grant private easements to existing utilities to allow them to remain in place while providing access for repairs or replacement.

ENTERED SEP 19 2019 M.T.F. under NB (RM) 3-0

9/3/19 rec'd @ table

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

DTE Gas Company reports having facilities in the area and will need a private easement to be granted by FCA in order to maintain their facilities.

AT&T reports having facilities in the area with an estimated cost of \$76,321.84 to relocate their facilities. FCA is making arrangements for the relocation.

DTE Energy – Electric objects to the property change. FCA continues to work with DTE to make mutually satisfactory arrangements for removal of DTE facilities or granting of a private easement.

Detroit Fire Department (DFD) reports involvement but no objection provided FCA maintains emergency vehicle access to all existing building structures and hydrants.

Public Lighting Department (PLD) has an objection to the vacation at the area of Mack Service Drive, because of the 24KV High Voltage Cable crossing the area of the outright vacation. They have no objections to all of the other areas of the request. FCA will be granting a private easement to PLD in the area of Mack Service Road.

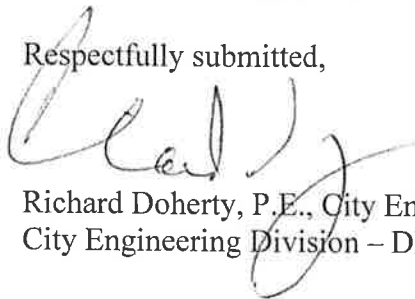
Great Lakes Water Authority (GLWA) reports having facilities in the area and will need a private easement to be granted by FCA in order to maintain their facilities.

Detroit Water and Sewerage Department (DWSD) has no objection to the vacations, provided certain conditions are met. The specific DWSD conditions and provisions for granting of private easements are included in the resolution. DWSD reports that for all of the subject alleys there are no water mains, and the existing sewers can be removed. For Canal Street and Freud Avenue, no water mains or sewers exist. For Conner Lane, the 8 inch water main can be removed North of Mack Service Road after the 8 inch gate valve, and no sewer exists. For Conner Lane, South of the North line of Mack Service Road an easement acceptable to DWSD must be granted by FCA. For the storm sewer pipe encroachment in Beniteau Avenue approval is given per plans received by DWSD. DWSD requests the right to reserve an easement 30 feet in width to the West from the western edge of the Conner Creek Canal extending the length of Canal Street to the Detroit River for a possible future expansion of the Conner Creek Facility.

All other involved City Departments, and privately owned utility companies informed of this petition have reported no objections to the vacations. FCA's commitment to continue working with all involved public and private utilities to protect their installations is incorporated in the attached resolution.

I am recommending adoption of the attached resolution and further respectfully request that your Honorable Body adopt the following resolution with a Waiver of Reconsideration.

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

Benson

WHEREAS, FCA US LLC (FCA) is working with the involved agencies and utilities to make satisfactory arrangements for the abandonment, removal and/or rerouting of their services and facilities; and further

WHEREAS, FCA will grant private easements to any involved agencies and utilities for facilities that will remain in the vacated rights-of-way as mutually agreed to within the reasonable discretion of FCA and the agencies and utilities; and further

WHEREAS, FCA or their assigns shall design and construct proposed sewers and or water mains and to make the connections to the existing public sewers and or water mains as required by Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed sewers and or water mains in accordance with the following: (i) the plans for the sewers and or water mains shall be prepared by a registered engineer; (ii) DWSD be and is hereby authorized to review the drawings for the proposed sewers and or water mains and to issue permits for the construction of the sewers; (iii) 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; (iv) the entire cost of the proposed sewers and or water mains construction, including inspection, survey and engineering shall be borne by the FCA or their assigns; (v) FCA or their assigns 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; (vi) FCA or their assigns shall grant to the City a satisfactory easement for the sewers and or water mains; (vii) the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; (viii) FCA or their assigns shall provide a one (1) year warranty for the proposed sewers and or water mains; and (ix) that upon satisfactory completion, any public sewers and or water mains shall become City property and become part of the City system, and any existing sewers and or water mains that were abandoned shall belong to FCA or their assigns and will no longer be the responsibility of the City; and therefore be it

RESOLVED, that all of the following parts of streets and alleys being land in the City of Detroit, Wayne County, Michigan further described as:

- 1) Conner Lane, 33 feet wide, from south line of Mack Avenue (service road), variable width, to dead end, south of Warren Avenue, 105 feet wide: Conner Lane lying easterly of and adjoining the easterly line of Lots 10 and 12 "Subdivision of the Front Part of P.C. 392 Grosse Pointe Township (Now Detroit)" as recorded in Liber 1, page 167 of Deeds, Wayne County Records; also lying westerly of and adjoining the westerly line of Lots 22, 23, and 24 "Plan of the Subdivision of Private Claims 385 and 386 for the Heirs of the late H. Connor of Grosse Pointe Township (Now Detroit)" as recorded in Liber 49, Page 494 of Deeds, Wayne County Records; and bounded on the South by the North line of Mack Avenue (service road), variable width, and bounded on the North by the old centerline of Connor Creek, being the northerly extent of Conner Lane.

Also that part of Conner Lane, 33 feet wide, in the intersection with Mack Avenue (service road), variable width, and further described as: Beginning at the intersection of the north line of Mack Avenue (service road) with the east line of Conner Lane; thence

S63°04'40"W 33.00 feet to the west line of Conner Lane; thence S26°48'20"E along said west line 167.80 feet to the south line of Mack Avenue (service road); thence N56°04'49"E along said south line 33.26 feet to the east line of Conner Lane; thence N26°48'20"W 163.75 feet to the Point of Beginning.

- 2) Canal and Korte Street, 50 feet wide, from south line of Freud Avenue, 60 feet wide, to dead end, north of the Detroit River: All that part of Lots 3,4 and 5 of "Plan of Subdivision of Private Claims 385 and 386 for the heirs of the late H. Connor of Grosse Pointe (now Detroit)" as recorded in Liber 49 of Deeds, Page 494, Wayne County Records, described as follows: Beginning at a point in Lot 5 of last mentioned subdivision, said point being in the south line of Freud Avenue, and distant N64°06'20"E 362.35 feet from the intersection of the south line of Freud Avenue, 60 feet wide, as now established, with the east line of the D.T.R.R. right-of-way, 77.306 feet wide as now established; thence along a line S7°57'33"E 210.29 feet to a point; thence along a line S25°47'50"E 1000.00 feet to a point; thence along a line S13°50'00"E 204.44 feet to a point; thence along a line S25°47'50"E 1566.61 feet to a point; thence along a line S64°12'10"W 270.55 feet to a point in the east line of D.T.R.R. right-of-way, 62.306 feet wide as now established at this point; thence along said east line of said right-of-way, S25°47'50"E 50 feet to a point; thence along a line N64°12'10"E 320.55 feet to a point; thence along a line N25°47'50"W 1611.37 feet to a point; thence along a line N13°50'00"W 204.44 feet to a point; thence along a line N25°47'50"W 997.39 feet to a point; thence along a line N7°57'33"W 218.62 feet to a point in the south line of Freud Avenue, 60 feet wide, as now established; thence along the south line of said Freud Avenue S64°06'20"W 52.55 feet to the place of beginning.
- 3) East part of the east-west alley, 18 feet wide, (now an easement) in the block of Goethe Avenue, 60 feet wide, Mack Avenue, 124 feet wide, Beniteau Avenue, 70 feet wide, and St. Jean Avenue, 66 feet wide: east-west alley lying northerly of and adjoining the northerly line of Lot 67 and lying southerly of and adjoining the southerly line of Lots 60 through 66, both inclusive and the easterly 9.97 feet of Lot 59 "The Heights Park Subdivision, Jacob Hock's Subdivision of Lots 13 & 14 Subdivision of St. Jean Farm, being the westerly part of P.C.26, St. Clair Heights (Now Detroit) Wayne County, Mich." as recorded in Liber 29, Page 40 of Plats, Wayne County Records.
- 4) West part of the east-west alley, 18 feet wide, in the block of Beniteau Avenue, 70 feet wide, St. Jean Avenue, 66 feet wide, Kercheval Avenue, 80 feet wide, and, East Vernor Highway, 60 feet wide: east-west alley lying southerly of and adjoining the southerly line of Lot 18 and the westerly 50 feet of Lot 7 and the public alley adjoining said Lots; and lying northerly of and adjoining the northerly line of Lots 11 through 17, both inclusive, "Hutton and Nall's Subdivision of Lot 5 Except 'School Lot' of the Subdivision of the St. Jean Farm, Part of P.C.26, Village of Fairview (Now Detroit), Wayne County, Michigan" as recorded in Liber 23, Page 82 of Plats, Wayne County Records.
- 5) North-south alley, 20 feet wide, in the block of Beniteau Avenue, 70 feet wide, St. Jean Avenue, 66 feet wide, Kercheval Avenue, 80 feet wide, and, East Vernor Highway, 60

feet wide: north-south alley lying easterly of and adjoining the easterly line of Lots 18 through 24 both inclusive, and lying westerly of and adjoining the westerly line of Lots 1 through 7, both inclusive "Hutton and Nall's Subdivision of Lot 5 Except 'School Lot' of the Subdivision of the St. Jean Farm, Part of P.C. 26, Village of Fairview (Now Detroit), Wayne County, Michigan" as recorded in Liber 23, Page 82 of Plats, Wayne County Records; also lying easterly of and adjoining the easterly line of Lots 14 through 26, both inclusive, and lying westerly of and adjoining the westerly line of Lots 1 through 13 both inclusive "Hutton and Nall's Subdivision of Lot 6 of the Subdivision of the St. Jean Farm, being the westerly part of P.C. 26, Village of Fairview (Now Detroit), Wayne County, Michigan" as recorded in Liber 23, Page 76 of Plats, Wayne County Records; also lying easterly of and adjoining the easterly line of Lots 103, 104 and southerly 22.73 feet of Lot 102, and lying westerly of and adjoining the westerly line of Lots 1, 2, and the southerly 22.81 feet of Lot 3 "Dwyer, Scullen & O'Neil Subdivision of Lots J, L and M of Richard Lemay Estate, P.C. 26 and 688, Village of Fairview (Now Detroit) Wayne County, Michigan" as recorded in Liber 24, Page 96 of Plats, Wayne County Records.

- 6) North-south alley, 20 feet wide, in the block of Beniteau Avenue, 70 feet wide, St. Jean Avenue, 66 feet wide, Charlevoix Avenue, 60 feet wide, and, Goethe Avenue, 60 feet wide: north-south alley lying easterly of and adjoining the easterly line of Lots 53 through 66, both inclusive and the northerly 26 feet of Lot 67, and lying westerly of and adjoining the westerly line of Lots 39 through 52, both inclusive, and the northerly 25.62 feet of Lot 38 "Dwyer, Scullen & O'Neil Subdivision of Lots J, L and M of Richard Lemay Estate, P.C. 26 and 688, Village of Fairview (Now Detroit) Wayne County, Michigan" as recorded in Liber 24, Page 96 of Plats, Wayne County Records; also lying easterly of and adjoining the easterly line of Lots 14 through 26, both inclusive, and lying westerly of and adjoining Lots 1 through 13, both inclusive "Seymour and Troester's Eureka Hill Subdivision of Lot 11, Subdivision of the St. Jean Farm, being the westerly part of P.C. 26, Detroit, Michigan" as recorded in Liber 26, Page 66 of Plats, Wayne County Records.

Be and the same are hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the foregoing easements and subject to the following provisions:

PROVIDED, that Detroit Fire Department shall have access to all buildings, fire hydrants, and fire department connections as is necessary and customary for public safety; 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; and

FURTHER WHEREAS, that if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the FCA and/or property owner; and further

WHEREAS, that by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging,

dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection caused by the encroachment shall be borne by the FCA. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the FCA not encroached into the right-of-way, shall be borne by DWSD; and further

WHEREAS, that all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours' notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and further

WHEREAS, that construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the FCA; and further

WHEREAS, that if DWSD facilities located within the right-of-way shall break or be damaged as the result of any action on the part of the FCA, then in such event the FCA agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and further

WHEREAS, that the FCA shall hold DWSD harmless for any damages to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and further

WHEREAS, that by approval of this petition the Public Lighting Department (PLD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, PLD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, remove, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal, and replacement of structures or other improvements herein permitted and incurred in gaining access to PLD's facilities for maintenance, repairing, alteration, servicing, removing, or inspection caused by the encroachment shall be borne by the FCA. All costs associated with gaining access to PLD's facilities, which could normally be expected had the FCA not encroached into the right-of-way, shall be borne by PLD; and further

WHEREAS, that all construction performed under this petition shall not be commenced until after (5) days written notice to PLD. Seventy-two (72) hours' notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and further

WHEREAS, that construction under this petition is subject to inspection and approval by PLD forces. The cost of such inspection shall, at the discretion of PLD, be borne by the FCA; and further

WHEREAS, that if PLD facilities located within the right-of-way shall break or be damaged as the result of any action on the part of the FCA, then in such event the FCA agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged PLD facilities; and further



WHEREAS, that the FCA shall hold PLD harmless for any damages to the encroaching device constructed or installed under this petition which may be caused by the failure of PLD's facilities; and further

WHEREAS, FCA or their assigns shall apply to the Buildings, Safety Engineering and Environmental Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division – DPW prior to any public right-of-way construction; and further

WHEREAS, that the necessary permits shall be obtained from the City Engineering Division – DPW and the Buildings, Safety Engineering and Environmental Department. The encroachments shall be constructed and maintained under their rules and regulations; and further

WHEREAS, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by FCA or their assigns, and further

WHEREAS, that all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by FCA or their assigns. Should damages to utilities occur FCA or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

WHEREAS, that no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division – DPW; and further

WHEREAS, that FCA or their assigns shall file with the Department of Public Works – City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance of FCA or their assigns of the terms thereof. Further, FCA or their assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed encroachments; and be it also

RESOLVED, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to FCA or their assigns to install and maintain encroachments with two subsurface drainage pipes in Beniteau Avenue, 70 feet wide, between Kercheval Avenue, 80 feet wide, and, East Vernor Highway, 60 feet wide; also an encroachment for an access road, 20 feet wide, near Conner Lane, 33 feet wide, from the southerly line of Mack service drive (Old Mack) variable width to the southerly line of the Mack Avenue bridge property.

- 1) Two subsurface drainage pipes in Beniteau Avenue, 70 feet wide, between Kercheval Avenue, 80 feet wide, and, East Vernor Highway, 60 feet wide, further described as:

Encroachment pipe 1 (one) lying subsurface to land in the City of Detroit, Wayne County, Michigan being Beniteau Avenue, 70 feet wide lying easterly of and adjoining Lots 38 and 39 and lying westerly of and adjoining Lots 14 and 15 inclusive "Hutton and Nall's Subdivision of Lot 6 of the Subdivision of the St. Jean Farm, being the westerly part of P.C. 26, Village of Fairview (Now Detroit), Wayne County, Michigan" as recorded in Liber 23, Page 76 of Plats, Wayne County Records; said storm sewer pipe crossing Beniteau Avenue (70 feet wide) at 90 degrees to the full width right-of-way and being a 54 inch storm sewer with an invert elevation at the east right-of-way line of 566.06 feet and an invert elevation at the west right-of-way line of 565.94 feet, said pipe having an outside diameter of 5.42 feet or 65 inches.

Encroachment pipe 2 (two) lying subsurface to land in the City of Detroit, Wayne County, Michigan being west part of Beniteau Avenue, 70 feet wide, lying westerly of and adjoining the westerly line of Lot 29 "Hutton and Nall's Subdivision of Lot 5 Except 'School Lot' of the Subdivision of the St. Jean Farm, Part of P.C. 26, Village of Fairview (Now Detroit), Wayne County, Michigan" as recorded in Liber 23, Page 82 of Plats, Wayne County Records; said storm sewer pipe extending 32 feet into Beniteau Avenue (70 feet wide) from the west right-of-way line to the existing DWSD sewer at 90 degrees to the right-of-way and being a 42 inch storm sewer with an invert elevation at the west right-of-way line of 564.73 feet, said pipe having an outside diameter of 4.26 feet or 51 inches.

- 2) An access road, 20 feet wide, at Conner Lane, 33 feet wide, from the southerly line of Mack service drive (Old Mack) variable width to the southerly line of the Mack Avenue bridge property, further described as: land in the City of Detroit, Wayne County, Michigan being part of Conner Lane, 33 feet wide, and part of Lot 21 "Plan of the Subdivision of Private Claims 385 and 386 for the Heirs of the late H. Connor of Grosse Pointe Township (Now Detroit)" as recorded in Liber 49, Page 494 of Deeds, Wayne County Records and more particularly described as: Beginning at the intersection of the south line of Mack Avenue (service road) with the east line of Conner Lane; thence S56°04'49"W along said south line 20.16 feet; thence S52°49'29"E a distance of 56.99 feet; thence S26°48'20"E a distance of 94.60 feet to the Mack Bridge property line; thence S53°07'30"W along said property line 20.31 feet; thence N26°48'20"W a distance of 93.55; thence N52°49'29"W a distance of 56.99 feet the intersection of the south line of Mack Avenue (service road) with the east line of Conner Lane and the Point of Beginning.

PROVIDED, that FCA construct a new curb and install a guardrail according to plans approved by DPW – City Engineering at the location of the east line of vacated Conner Lane from the North line of Mack service drive to the South line of Mack service drive; and further

PROVIDED, this encroachment resolution grants FCA no implied or other privileges hereunder not expressly stated herein; and further

PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; 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.

58

# ADOPTED AS FOLLOWS COUNCIL MEMBERS

		YEAS	NAYS
Janee	AYERS	✓	
Scott	BENSON	✓	
Raquel	CASTANEDA-LOPEZ	✓	
Gabe	LELAND	✓	
Roy	MCCALISTER, JR.	✓	
*Mary	SHEFFIELD	✓	
Andre	SPIVEY	✓	
James	TATE	✓	
Brenda	PRESIDENT JONES	✓	
*PRESIDENT PRO TEM			
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