



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
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DETROIT, MICHIGAN 48226
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March 11th, 2020

Honorable City Council:

RE: Petition No. 1171 — Trident Huber LLC request to outright vacate Grinnell Avenue, 50 ft. wide, and vacate for the conversion to easement various segments of alley that were formally property deed to the City of Detroit on November 13th, 1928, per page 3043 of the JCC, and on October 14th, 1924, per page 2422 of the JCC.

Petition No. 1171- Trident Huber LLC requests to outright vacate the full width of Grinnell Avenue, 50 ft. wide, from Winfield Avenue, 54 ft. wide, to St. Cyril Avenue, 66 ft. wide. Also to vacate for conversion to utility easement the east-west and north-south alley existing north of Grinnell Ave, 50 ft. wide, between Winfield Avenue, 54 ft. wide, and St. Cyril Avenue, 66 ft. 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 to facilitate the development of the I-94 Industrial Park Project.

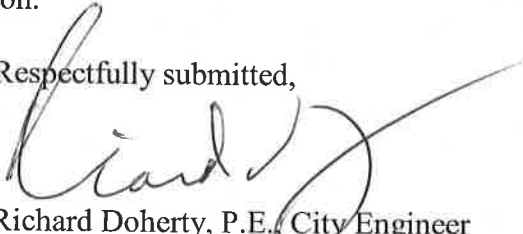
The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW, and City Engineering - DPW.

Detroit Water and Sewerage Department (DWSD) has no objection to the vacation provided certain provisions are met. The DWSD provisions are a part of the attached resolution.

All other involved City Departments, and privately owned utility companies have reported no objections to the outright vacation of Grinnell Ave. and the conversion to utility easement of the alleys. 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, Grinnell Avenue, 50 ft. wide, from Winfield Avenue, 54 ft. wide, to St. Cyril Avenue, 66 ft. wide. Also to vacate for conversion to utility easement the east-west and north-south alley existing north of Grinnell Ave, 50 ft. wide, between Winfield Avenue, 54 ft. wide, and St. Cyril Avenue, 66 ft. wide., further described as land in the City of Detroit, Wayne County, Michigan being: All of Grinnell Avenue, 50 ft. wide, lying northerly of and adjacent to lots 17 through 49, and lying southerly of lots 50 through 88, also northerly of the vacated alley, 18 ft. wide, lying between lots 18 & 19, all within "Bessenger & Moores Van Dyke Subdivision" as recorded in Liber 33, Page 80 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 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, 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 further

RESOLVED, certain alley segments existing within “Bessenger & Moores Van Dyke Subdivision” as recorded in Liber 33, Page 80 of Plats, Wayne County Records; further described as:

1. The north-south alley, land dedicated to the City of Detroit on October 14th, 1924 per page 2422 of the JCC, lying west of and adjacent to lot 50 of “Bessenger & Moores Van Dyke Subdivision” as recorded in Liber 33, Page 80 of Plats, Wayne County Records; and
2. The east-west alley, land dedicated to the City of Detroit on November 13th, 1928, per page 3043 of the JCC, lying northerly of and adjacent to lots 50 through 88 of “Bessenger & Moores Van Dyke Subdivision” as recorded in Liber 33, Page 80 of Plats, Wayne County Records.

Be and the same is hereby vacated as 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 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, 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 alleys 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 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 Sewage 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 the 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 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

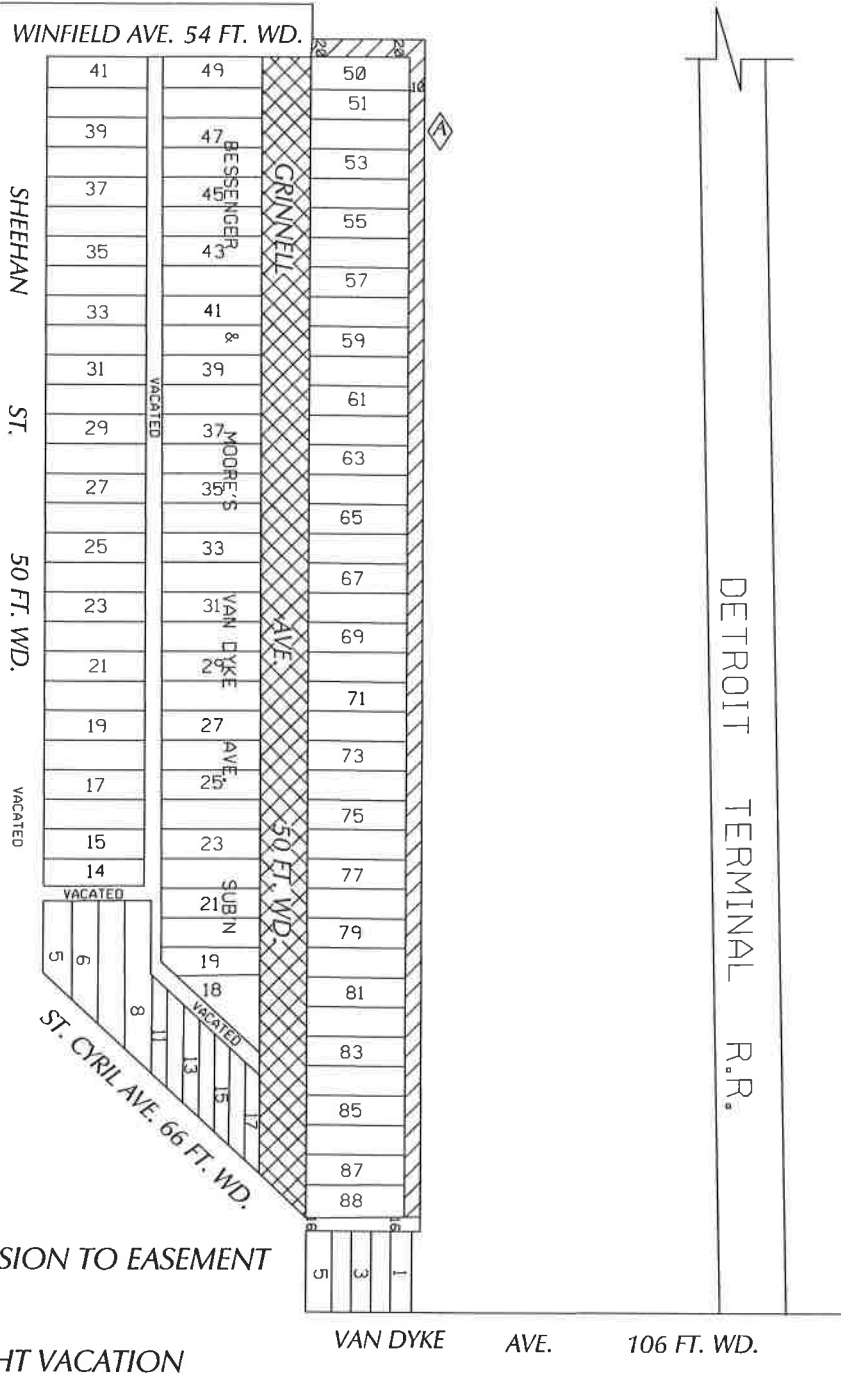
owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for the 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 returns at the entrances such removal and construction of the new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specification with all costs borne by the abutting owner(s), their heirs 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. 1171
 CHAUNCEY HITCHCOCK
 PHONE NO. (313)-567-6473
 CELL PHONE (313)-820-5954
 EMAIL: Chauncey.hitchcock@soave.com.
 C/O CASSI MEITL
 PHONE NO. (708) 212-0524

"REVISION-A"



-  - CONVERSION TO EASEMENT
-  - OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 50 A

B				
A	REVISION CHANGING THE ARCHIVE OF RECORDS FOR NEARBY NORTH OF GRANTH AVE. FROM OVERSIGHT AND HOW BE CONVERSION TO EASEMENT	SA	KSM	JD 01/27/2020
DESCRIPTION		DRAWN	CHECKED	APPROVED
REVISIONS				
DRAWN BY	SA	CHECKED	KSM	
DATE	01-21-2020	APPROVED		

- REQUEST TO OUTRIGHT VACATE GRINNELL AVE. 50 FT. WD. BETWEEN WINFIELD AVE. AND ST. CYRIL AVE.
 - CONVERSION TO EASEMENT ALLEYS (10 AND 20 FT. WD.) NORTH OF GRINNELL AVE. AND EAST OF WINFIELD AVE.

CITY OF DETROIT
 CITY ENGINEERING DIVISION
 SURVEY BUREAU

JOB NO. 01-01
 DRWG. NO. X 1171