



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

August 25th, 2023

Honorable City Council:

CORRECTED VERSION

**RE: Petition No. 1359 – Hamilton Corridor, LLC request to vacate various streets and alleys located between the John C. Lodge Freeway (M10) and Thompson Street, bounded by Ford Street and West Grand Street.**

Petition No. 1359 – Hamilton Corridor, LLC request to vacate various streets and alleys located between the John C. Lodge Freeway (M10) and Thompson Street, 62.38 ft. wide, bounded by Ford Street, 50 ft. wide, and West Grand Street, 50 ft. wide.

This petition was approved by Your Honorable Body on March 30<sup>th</sup>, 2021. It was discovered upon further review of the legal description for the vacated parts of right of way that certain parts of the description resulted in ambiguity or omitted part of right of way intended to be vacated. This resolution is being submit as a corrected version.

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

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 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. 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

Cc: Ron Brundidge, Director, DPW  
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER \_\_\_\_\_

**RESOLVED**, the vacation of various streets and alley located between the John C. Lodge Freeway (M10) Service Drive on the South-West and Thompson Street, 62.38 ft. wide, on the South-East, bounded by the north line of Ford Street, 50 ft. wide, on the North-West, and Clements Street, 50 ft. wide, on the South-East, further described as land in the City of Detroit, Wayne County, Michigan being:

Streets:

1. Ford Avenue, 50 ft. wide, lying southerly of and adjacent to lots 25 through 40 and lying northerly of and adjacent to lots 41 through 56 of "Robert Oakman's Ford Avenue Subdivision" as recorded in Liber 29, Page 33 of Plats, Wayne County Records.
2. Pasadena Avenue, 50 ft. wide, lying southerly of and adjacent to lots 32 through 44 and lying northerly of and adjacent to lots 45 through 55, excluding any part of lots 32 and 55 and the portion of Pasadena Street, 50 ft. wide, that are located within the John C. Lodge Freeway (M10) Service Drive of "Robert Oakman's Pasadena Avenue Subdivision" as recorded in Liber 29, Page 30 of Plats, Wayne County Records.
3. Grand Avenue, 50 ft. wide, lying southerly of and adjacent to lots 38 through 42 also part of lot 37 and lying northerly of and adjacent to lots 43 through 46 and part of lot 47, excluding part of lots 37 and 47 and the portion of Grand Street, 50 ft. wide, located within the John C. Lodge Freeway (M10) Service Drive of "Robert Oakman's Grand Avenue Subdivision" as recorded in Liber 29, Page 35 of Plats, Wayne County Records.

Alleys:

4. The east-west public alley, 9 ft. wide, lying southerly of and adjacent to lots 41 through 55, excluding that part of the public alley adjacent to said lot 55 located within the John C. Lodge Freeway (M10) Service Drive, of "Robert Oakman's Ford Avenue Subdivision" as recorded in Liber 29, Page 33 of Plats, Wayne County Records.
5. The east-west public alley, 9 ft. wide, lying northerly of and adjacent to lots 31 through 44 and part of lot 30, excluding that part of the public alley adjacent to said lot 30 located within the John C. Lodge Freeway (M10) Service Drive, of "Robert Oakman's Pasadena Avenue Subdivision" as recorded in Liber 29, Page 30 of Plats, Wayne County Records.
6. The east-west public alley, 9 ft. wide, lying southerly of and adjacent to lots 45 through 52 and part of lot 53, excluding that part of the public alley adjacent to said lot 53 located within the John C. Lodge Freeway (M10) Service Drive, of "Robert Oakman's Pasadena Avenue Subdivision" as recorded in Liber 29, Page 30 of Plats, Wayne County Records.
7. The east-west public alley, 9 ft. wide, lying northerly of and adjacent to lots 36 through 42 and part of lot 35, excluding that part of the public alley adjacent to said lot 35 located within the John C. Lodge Freeway (M10) Service Drive, of "Robert Oakman's Grand Avenue Subdivision" as recorded in Liber 29, Page 35 of Plats, Wayne County Records.
8. The east-west public alley, 9 ft. wide, lying southerly of and adjacent to lot 43 and part of lot 44, excluding that part of the public alley adjacent to said lot 44 located within the John C. Lodge Freeway (M10) Service Drive, of "Robert Oakman's Grand Avenue Subdivision" as recorded in Liber 29, Page 35 of Plats, Wayne County Records.
9. The east-west public alley, 9 ft. wide, lying northerly of and adjacent to part of lot 44, excluding that part of the public alley adjacent to said lot 44 located within the John C.

Lodge Freeway (M10) Service Drive, of "Robert Oakman's Clements Avenue Subdivision" as recorded in Liber 29, Page 34 of Plats, Wayne County Records.

10. Part of the north-south alley, 18 ft. wide, lying westerly of and adjacent to lot 56 of "Robert Oakman's Ford Avenue Subdivision" as recorded in Liber 29, Page 33 of Plats, Wayne County Records, exclude that part of said public located within the John C. Lodge Freeway (M10) Service Drive.

Being more particularly described as follows:

11. Beginning at the northeast corner of Lot 40 in Robert Oakman's Ford Avenue Subdivision (as recorded in Liber 29 Page 33 of Wayne County Plats); thence S27-34-49E, 856.95 ft. along the westerly line of Thompson Avenue (62.38 ft. wide) to the Northeasterly Limited Access right-of-way line of the M-10 Service Road; thence along said right of way the following eight (8) courses: 1) N77-30-04W, 35.69 ft., 2) N76-01-45W, 27.39 ft., 3) N63-07-59W, 191.08 ft., 4) N63-42-58W, 130.15 ft., 5) N63-46-07W, 22.36 ft, 6) N61-32-57W, 132.88 ft., 7) N66-53-18W, 64.93 ft., 8) N58-23-59W, 266.04 ft to the Southerly right-of-way line of Ford Avenue (50 ft. wide), thence N62-37-04E, 14.81 ft. along said southerly line; thence N27-58-18W, 50 ft. to the north line of Ford Street, 50 ft. wide, and also being the southwest corner of lot 25 of "Robert Oakman's Ford Avenue Subdivision" as recorded in Liber 29, Page 33 of Plats, Wayne County Records, thence along the northerly line of Ford Street S62-37-04W, 18 ft, to the southeast corn of lot Outlot B of "Robert Oakman's Ford Avenue Subdivision" as recorded in Liber 29, Page 33 of Plats, Wayne County Records; thence N27-58-18W, 100 ft., thence N62-37-04E, 504.76 ft. to the Point of Beginning.

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 right of way 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 right of way 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 restore the easement surface 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 right of way 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

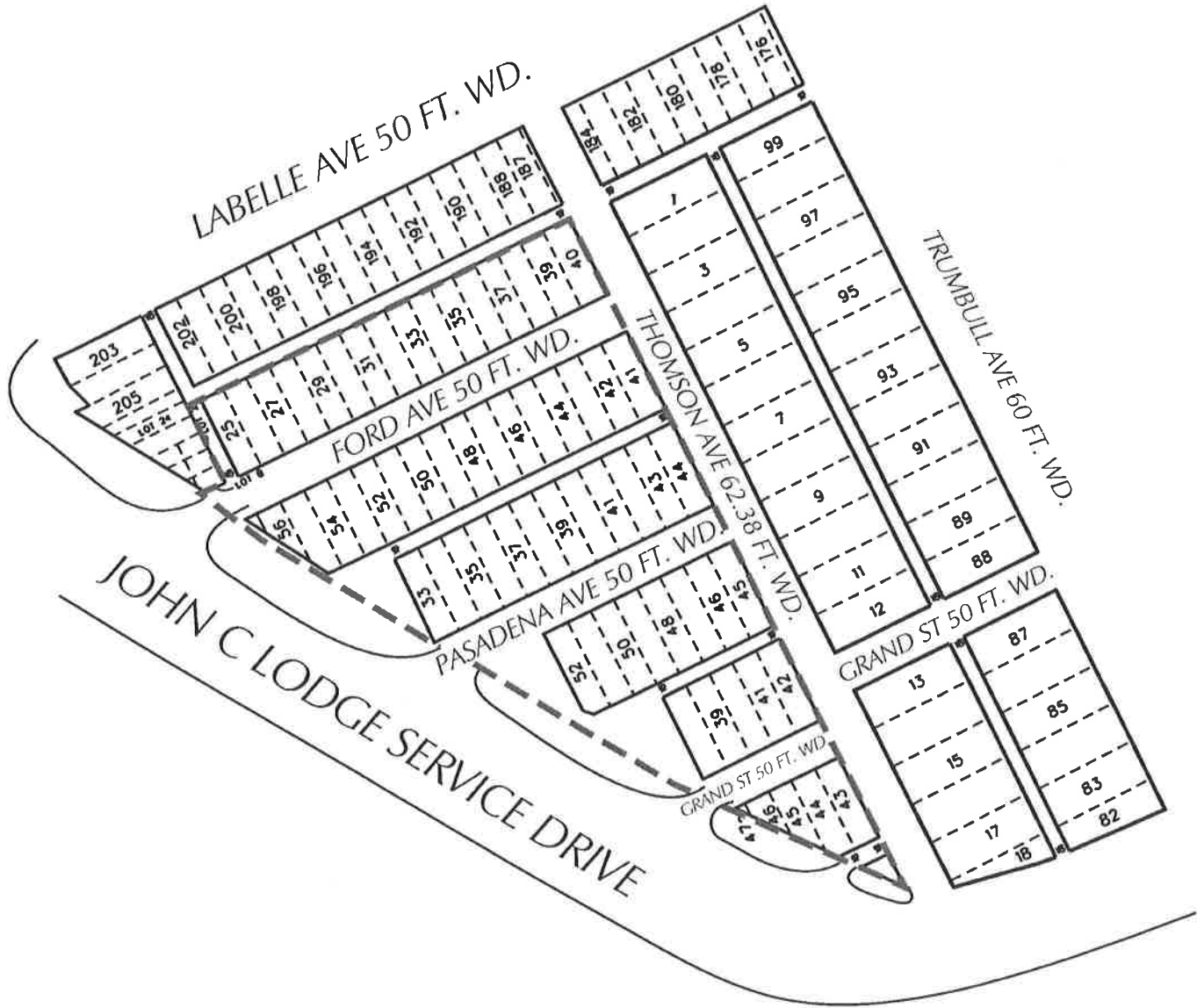
PROVIDED, that the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

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 right of way 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 right of way 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.



 - VACATION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 34 D

<b>B</b>				
<b>A</b>	EDIT FOR TURNAROUND	KJ	JD	10-06-20
	DESCRIPTION	DRWN	CHKD	APPD
REVISIONS				
	DRAWN BY	CHECKED		
	DATE	APPROVED BY		
	07-30-20	JD		

VACATION TO EASEMENT FOR  
CONSTRUCTION IN THE AREA BOUND  
BY THE JOHN C SERIVE DRIVE, LABELLE  
AVE, AND THOMSON AVE.

CITY OF DETROIT	
CITY ENGINEERING DIVISION	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X