



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
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WWW.DETROITMI.GOV

October 18th, 2022

Honorable City Council:

RE: Petition No. x2022-313 – Southwest Housing Solution request to vacate to utility easement the public alley bounded by Junction Avenue, Buchanan Street, 33rd Street, and Jackson Street.

Petition No. x2022-313 – Southwest Housing Solution request to vacate to utility easement the public alley bounded by Junction Avenue, 50 ft. wide, Buchanan Street, 60 ft. wide, 33rd Street, 50 ft. wide, and Jackson Street, 60 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 made as part of a consolidation of property related to a recreational park proposed at the location. The petitioner was unable to secure the required 2/3 support from adjacent owners due to the number of unoccupied or vacant lots adjacent. However, due to the nature of this request the City Engineering Division requests the consideration of Your Honorable Body.

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

/JK

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

BY COUNCIL MEMBER _____

RESOLVED, the public alley, 20 ft. wide, bounded by Junction Avenue, 50 ft. wide, Buchanan Street, 60 ft. wide, 33rd Street, 50 ft. wide, and Jackson Street, 60 ft. wide, West Vernor Highway, 76 ft. wide, and Sainte Anne Street, 60 ft. wide., further described as land in the City of Detroit, Wayne County, Michigan being: lying easterly of and adjacent to lots 1 through 32 of "Block D of Brush's Subdivision" as recorded in Liber 16, Page 24 of Plats, Wayne County Records, and lying westerly of and adjacent to lots 1 through 26 of "Block 4 of the Subdivision of Private Claim No. 260 North of Michigan Avenue" as recorded in Liber 3, Page 17 of Plats, Wayne County Records, and lying westerly of and adjacent to lots 18 through 29 of the "Subdivision of Private Claim 260 North of Michigan Avenue" as recorded in Liber 10, Page 62 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 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 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 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



Southwest Housing Solutions
1920 25th Street, Suite A
Detroit, MI 48216
313.841.3727 main
www.swsol.org

July 22, 2022

City of Detroit
Department of Public Works
City Engineering Division
2 Woodward Ave, Detroit, MI 48226

Gentlemen/Ladies:

RE: Letter of Intent-Southwest Housing Solutions-Alley Vacation

Southwest Housing Solutions (SWHS) respectfully submits this Letter of Intent to the City Engineering Division to vacate the north-south alley located in Southwest Detroit bounded by Jackson/Buchanan/Junction/33rd Street.

Southwest Housing Solutions
1920 25th Street
Detroit, MI 48216
Contact: Dan Loacano, 313-475-7415

On January 18, 2022, SWHS closed on 15 contiguous vacant parcels with the DLBA to build a community park. The aforementioned 15 lots are zoned R2 (residential). SWHS was required to obtain a *Conditional Land Use Permit (CLUP)* from BSEED to construct the park on property zoned R2. On May 13, 2021, our application for the permit was approved by BSEED. An extension on the CLUP expires on October 18, 2022. SWHS has signed a contract with Michigan Recreational Construction to build the park.

This new community park will support our redevelopment efforts in the Newberry neighborhood of the East Chadsey-Condon community. Currently, SWHS is leading an effort to convert 60 single family homes from rental to homeownership. To date, 47 of the 60 homes have been transitioned from rental to homeownership. Community residents participated in the design of the park. SWHS is working in collaboration with other Southwest Detroit community non-profits on other redevelopments efforts in the East Chadsey-Condon community.

Current conditions of the alley right of way between Jackson and Buchanan include:

[Southwest Counseling Solutions](#) | [Southwest Economic Solutions](#) | [Southwest Housing Solutions](#)

[5716 Michigan Avenue](#) | [Detroit, MI 48210](#) | [313.481.3100](#) | [313.481.3111 fax](#) | www.swsol.org



Standing on Jackson looking north onto the park site/alley ROW. As you can see grass has grown over the concrete.



On Buchanan looking south. Note, homeowner has closed off this portion of the alley with a fence.



Standing in the intersection of Jackson/Junction looking Northeast at park site

Public records indicate that there is a total of 61 parcels abutting the alley. The ownership of these parcels includes:

Detroit Land Bank Authority-29 vacant parcels

Southwest Housing Solutions-15 parcels

Private ownership-17

There are 7 homes that abut the alley between Jackson/Buchanan located on 33rd and Junction. On January 18, 2022, SWHS sent letters to the owners of the homes. No one replied to the letter which outlined the plans for the park and our desire to vacate the alley. SWHS staff made several visits to the homes to explain our project and solicit signatures. Some of the private property owners not only own a home (structure) but also own vacant parcels in proximity. To date, SWHS has secured signatures from 3 private property owners totaling 7 parcels abutting the alley.

Our goal is to gain approval (vacate alley) to remove the concrete in the alley right-of-way on just the portion that is included in the boundaries of the new park. We will not touch utilities in the right-of-way.

Sincerely,

Dan Loacano
Program Manager

City of Detroit

PUBLIC WORKS DEPARTMENT: CITY ENGINEERING DIVISION

Coleman A. Young Municipal Center - 6th Floor

We, the undersigned individuals owning property adjacent to the proposed right-of-way to be vacated have no objections to the request of the petitioner. This petition requires consent by 2/3 of the adjacent owners in residential areas. Commercial areas require 100% of adjacent owners to consent. Properties owned by a business or other entity must be signed by an authorized agent in order to be counted in this petition.

By signing this petition the property owner is confirming awareness of the following changes to their property:

- (1) Vacating the proposed street or alley will result in the property owner being allocated ownership of 1/2 of the street or alley (conditional to the design of the subdivision) and will cause the property assessment to be adjusted to include the increase in square footage.
- (2) Drainage fees to the property will be adjusted based on any added impervious surfaces added to the property. Please contact the Department of Water and Sewage for additional questions regarding rates.
- (3) Garages orientated toward the alley may no longer be accessible by the alley. Upon approval of this petition the alley will no longer be considered public. The property owner waves their right to access their property using the alley.

Commercial properties are subject to the conditions of their land use grant. Which may require permission from the Buildings and Safety Engineering and Environment Department or the Board of Zoning Appeals prior to changing the limits of their property.

PRINT NAME / ADDRESS / DATE SIGNED

Rosario Salvador Guzman Salazar 4157 33rd & 4163 33rd Street _____

SIGNATURE

Phone No.

X Rosario Salvador Guzman Salazar X 313) 269-6465

PRINT NAME / ADDRESS / DATE SIGNED

SIGNATURE

Phone No

City of Detroit

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PRINT NAME / ADDRESS / DATE SIGNED

PENA PALACIOS / 4147 33rd / 3-16-22

SIGNATURE

xRoberto B. Pena

Phone No.

x313-912-2897

PRINT NAME / ADDRESS / DATE SIGNED

SIGNATURE

Phone No

IN Addition, OWNS:

4137 33rd 4150 Junction
4138 Junction
4144 Junction

City of Detroit

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PRINT NAME / ADDRESS / DATE SIGNED

Anthony Harris / 4187 33rd / X 4-28-2022

SIGNATURE

X Anthony Harris

Phone No.

248-739-6427

PRINT NAME / ADDRESS / DATE SIGNED

4187 33rd Anthony Harris ~~248~~ 4-28-2022

SIGNATURE

Anthony Harris

Phone No

248-739-6427

City of Detroit

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By signing this petition the property owner is confirming awareness of the following changes to their property:

- (1) Vacating the proposed street or alley will result in the property owner being allocated ownership of ½ of the street or alley (conditional to the design of the subdivision) and will cause the property assessment to be adjusted to include the increase in square footage.
- (2) Drainage fees to the property will be adjusted based on any added impervious surfaces added to the property. Please contact the Department of Water and Sewage for additional questions regarding rates.
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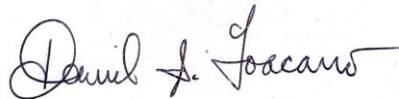
PRINT NAME / ADDRESS / DATE SIGNED

Southwest Housing Solutions

Attached List

July 25, 2022

SIGNATURE



Phone No.

313-475-7415

PRINT NAME / ADDRESS / DATE SIGNED

EJUNCTION LOT 32 BLKD-BRUSHS SUB L16 P24 PLATS, WC R 16187 26 X 100 Parcel ID: 16012994. Commonly known as 4000 Junction, Detroit, MI 48210
E JUNCTION LOT 31 BLK D-BRUSHS SUB L16P24 PLATS, WC R 16/87 30 X 100 Parcel ID: 16012995. Commonly known as 4006 Junction, Detroit, MI 48210
E JUNCTION LOT 30 BLKD-BRUSHS SUB LIGP24 PLATS, WC R 16187 30X 100 Parcel ID: 16012996, Commonly known as 4012 Junction, Detroit, MI 48210
EJUNCTION LOT29 BLKD-BRUSHSSUBL16 P24 PLATS, WC R 16187 30 X 100 Parcel ID: 16012997, Commonly known as 4018 Junction, Detroit, MI 48210
E JUNCTION LOT 28 BLK D-BRUSHS SUB L16 P24 PLATS, WC R 16187 30 X 100 Parcel ID: 16012998. Commonly known as 4024 Junction, Detroit, MI 48210
E JUNCTION LOT 27 BLK D-BRUSHS SUB L16 P24 PLATS, WC R 16187 30 X 100 Parcel ID: 16012999. Commonly known as 4030 Junction, Detroit, MI 48210
EJUNCTION LOT26 BLKD-BRUSHS SUB L16P24PLATS, W CR 16187 30X 100 Parcel ID: Commonly known as 4036 Junction, Detroit, MI 48210
W 33RD LOT 1 BLK 4-SUB OF PC NO 260 N OF MICHIGAN AVE L3 P17 PLATS, WC R 16/88 25 X 100 Parcel ID: 16012565, Commonly known as 4003 Detroit, MI 48210
W 33RD LOT 2 BLK 4-SUB OF PC NO 260 N OF MICHIGAN AVE L3 P17 PLATS, WC R 16188 25 X 100 Parcel ID: 16012564, Commonly known as 4007 33,d, Detroit, MI 48210
W 33RD LOT 3 BLK 4-SUB OF PC NO 260 N OF MICHIGAN AVE L3 P17 PLATS, W C R 16/88 25 X 100 Parcel ID: 16012563. Commonly known as 4013 3yct, Detroit, MI 48210
W 33RD LOT4 BLK4-SUB OF PCNO 260 N OF MICHIGAN AVE L3 P17 PLATS, W R 16188 25 X 100 Parcel ID: 16012562. Commonly known as 4017 33" ¹ , Detroit, MI 48210
W 33RD LOT 5BLK4-SUB OF PCNO 260 N OF MICHIGAN AVE L3 P17 PLATS, WC R 16/88 25 X 100 Parcel ID: 16012561. Commonly known as 4023 Detroit, MI 48210
W 33RD LOT6 BLK4-SUB OFPCNO 260N OF MICHIGAN AVE L3 P17 PLATS, WC R 16/88 25 X 100 Parcel ID: 16012560, Commonly known as 4027 33", Detroit, MI 48210
W 33RD LOT 7 BLK 4-SUB OF PCNO 260 N OF MICHIGAN AVE L3 P17 PLATS, WCR 16/88 25 X 100 Parcel ID: 16012559, Commonly known as 4033 33", Detroit, MI 48210
W 33RD LOT 8 BLK 4-SUB OF PC NO 260 N OF MICHIGAN AVE L3 P17 PLATS, WC R 16188 25 X 100 Parcel ID: 16012558, Commonly known as 4037 33,d, Detroit, MI 48210