



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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January 10th, 2024

Honorable City Council:

RE: Petition No. x2024-005 – Edna Mae Neely, request to vacate to utility easement the public alley bounded by Shoemaker Avenue, Fairview Avenue, East Warren Avenue, and Lemay Avenue.

Petition No. x2024-005 – Edna Mae Neely, request to vacate to utility easement the public alley, 18 ft. wide, bounded by Shoemaker Avenue, 66 ft. wide, Fairview Avenue, 66 ft. wide, East Warren Avenue, 86 ft. wide, and Lemay Avenue, 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 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 public alley, 18 ft. wide, bounded by Shoemaker Avenue, 66 ft. wide, Fairview Avenue, 66 ft. wide, East Warren Avenue, 86 ft. wide, and Lemay Avenue, 60 ft. wide., further described as land in the City of Detroit, Wayne County, Michigan being:

Public alley, 18 ft. wide, lying southerly of and adjacent to lots 143 and northerly of and adjacent to lots 73 through 77 and the west 12 ft. of lot 72 of "Warren Park Subdivision" as recorded in Liber 35, Page 90 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

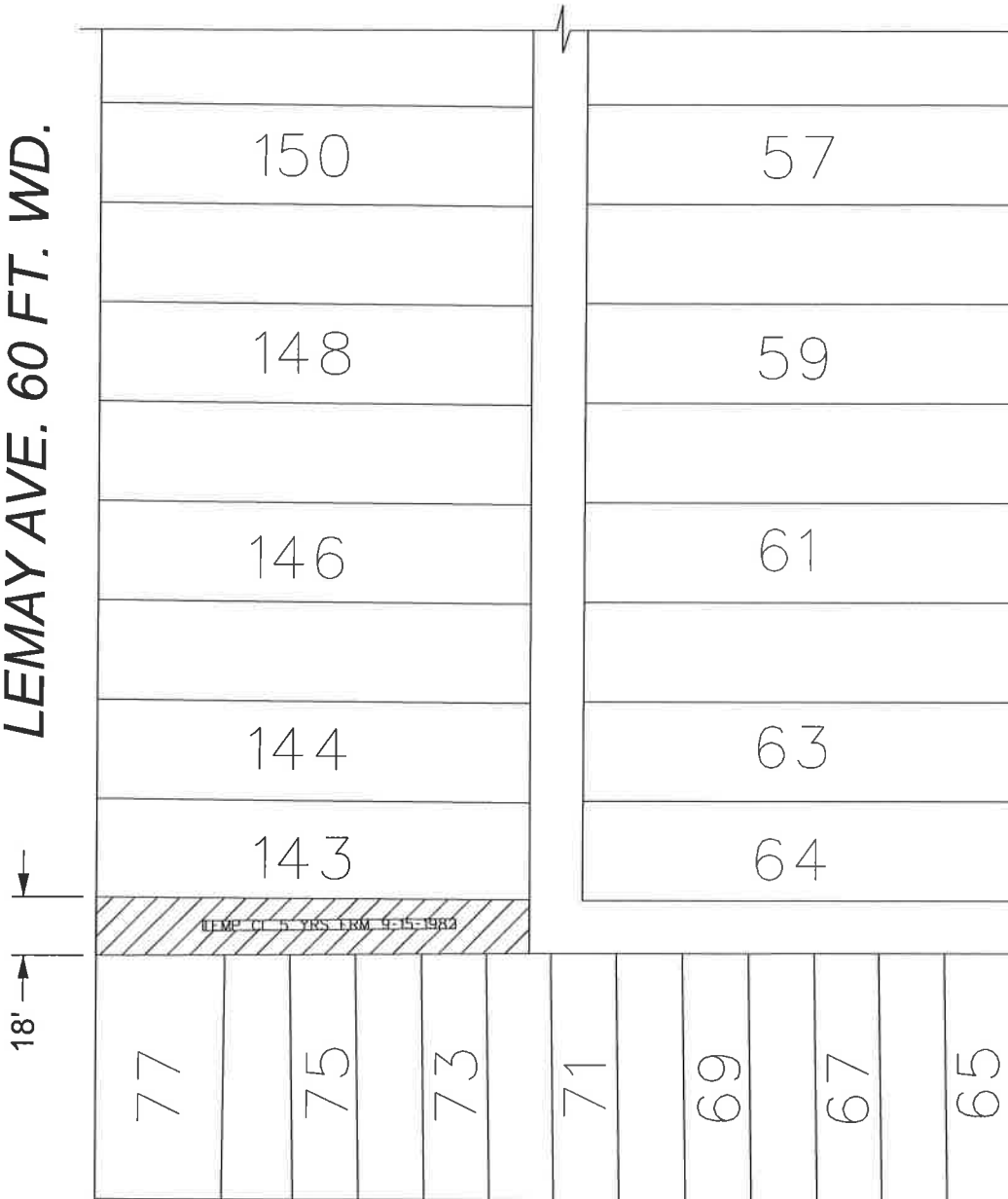
PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.



SHOEMAKER AVE. 66 FT. WD.

LEMAY AVE. 60 FT. WD.

FAIRVIEW AVE. 66 FT. WD.



E. WARREN AVE. 86 FT. WD.



- VACATION WITH UTILITY EASEMENT

(FOR OFFICE USE ONLY)

CARTO 56 B

B					
A					
	DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	LC	CHECKED	AP		
DATE	10-17-2023	APPROVED	JD		

REQUEST VACATION OF THE
EAST/WEST ALLEY BOUNDED BY
LEMAY AVE., E. WARREN AVE.,
FAIRVIEW AVE., AND SHOEMAKER AVE.

CITY OF DETROIT
CITY ENGINEERING DIVISION
SURVEY BUREAU

JOB NO. 23-106

DRWG. NO.

City of Detroit

PUBLIC WORKS DEPARTMENT: CITY ENGINEERING DIVISION

Coleman A. Young Municipal Center - 5th 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 % 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 waives 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

Khaled M. Aguiar 10901 E. Warren 10/14/23

SIGNATURE

Khaled M. Aguiar

PRINT NAME / ADDRESS / DATE SIGNED

Bryan Anderson 10923 E. Warren 9/21/23

SIGNATURE

Bryan Anderson