



January 25th, 2024

Honorable City Council:

RE: Petition Number x2024-031 – DPW, City Engineering Division, request for dedication of public right-of-way from properties commonly known as 6321 Le Grand Street, 7730 Mt. Elliott Street, 7734 Mt. Elliott Street, and 7740 Mt. Elliott Street for the purpose of creating a new 50 ft. wide public street connecting Varney Street and Le Grand Street. Also, request for the vacation, with reserve of a utility easement, part of Le Grand lying adjacent to the property commonly known as 7702 Mt. Elliott Street.

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

The purpose of this request is to correct alignment of the City right of way along Mt. Elliott Street and to create a new 50 ft. wide street to service new development in the area.

All other city departments and utilities have reported no objections to the proposed right-of-way dedication.

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

Bernard J. Youngblood
Wayne County Register of Deeds
2024167937 L: 58880 P: 1479
05/22/2024 09:32 AM RES Total Pages: 8

42:6 W 22-1111 42

BY COUNCIL MEMBER Santiago

RESOLVED, that that your Honorable Body authorize the acceptance of the following described properties owned by the City of Detroit for public street purposes:

1. 6321 Le Grand Street, being lot 168 of "H L Baker's Subdivision" as recorded in Liber 9, Page 55 of Plats, Wayne County Records.
2. 7730 Mt. Elliott Street, being the easterly 30 ft. of lot 163 of "H L Baker's Subdivision" as recorded in Liber 9, Page 55 of Plats, Wayne County Records.
3. 7734 Mt. Elliott Street, being the easterly 30 ft. of lot 162 of "H L Baker's Subdivision" as recorded in Liber 9, Page 55 of Plats, Wayne County Records.
4. 7740 Mt. Elliott Street, being the easterly 30 ft. of lot 161 of "H L Baker's Subdivision" as recorded in Liber 9, Page 55 of Plats, Wayne County Records.

PROVIDED, that the entire work in constructing the new streets is to be performed in accordance with plans and specifications approved by City Engineering Division - DPW (CED) and constructed under the inspection and approval of CED; and further

PROVIDED, That the petitioner obtain Traffic Engineering Division, signature of approval on the final design and plans for the construction of the streets; and be it further

RESOLVED, Part of Le Grand Street; further described as land in the City of Detroit, Wayne County, Michigan being:

Le Grand Street, 50 ft. wide, lying southerly of and adjacent to lot 167 and lying northerly of and adjacent to lot 243 of "H L Baker's Subdivision" as recorded in Liber 9, Page 55 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 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

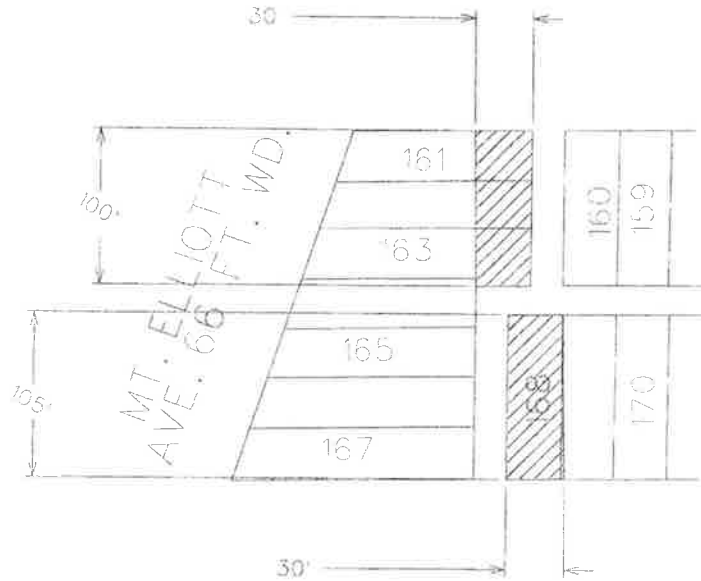
PROVIDED, that if it becomes necessary to remove the paved right of way returns at the entrances such removal and construction of the new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specification with all costs borne by the abutting owner(s), 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.

MAP-23-32



VARNEY AVE. 50 FT. WD.



-DEDICATION

(FOR OFFICE USE ONLY)

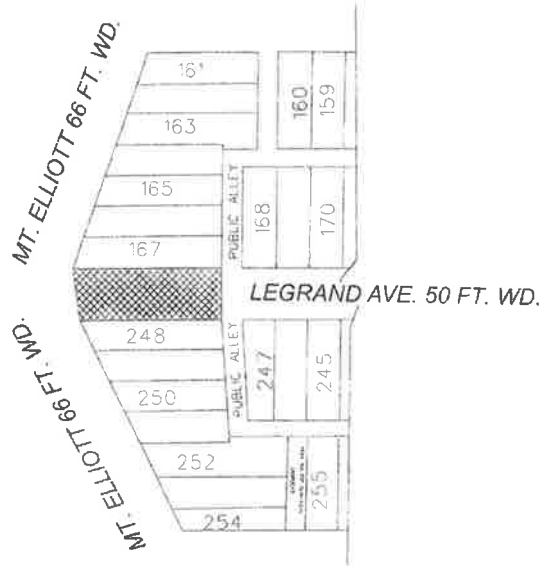
CARTO 49C

B				
A				
DESCRIPTION	DATE	CHKD	APPR	DATE
REVISIONS				
DRAWN BY	MW	CHECKED	JD	
DATE	03-13-2023	APPROVER	C	

MT. ELLIOT AND CONANT
STREET RECONSTRUCTION
DEDICATION OF ROW

CITY OF DETROIT
CITY ENGINEERING DIVISION
SURVEY BUREAU

JOB NO. 23-32
DRWG. NO.



- VACATION WITH UTILITY EASEMENT

(FOR OFFICE USE ONLY)

CARTO 49 C

B					
A					
	DESCRIPTION	BY	CHKD	DATE	
	REVISIONS				
	DRAWN BY	LS	CHKD BY	LC	
	DATE	05-18-2023	APPROVED	JD	

REQUEST TO VACATE
LEGRAND AVE. EAST OF
MT. ELLIOTT AVE. AND
WEST OF NORTH/SOUTH ALLEY

CITY OF DETROIT
CITY ENGINEERING DIVISION
SURVEY BUREAU

JOB NO. 23-71

DRWG. NO.

**ADOPTED AS FOLLOWS
COUNCIL MEMBERS**

		YEAS	NAYS
Scott	BENSON		
Fred	DURHAL, III	x	
Latisha	JOHNSON	x	
Gabriela	SANTIAGO-ROMERO	x	
*James	TATE	x	
Mary	WATERS	X	
Angela	WHITFIELD-CALLOWAY	X	
Coleman	YOUNG, II		
MARY PRESIDENT	SHEFFIELD	X	
*PRESIDENT PRO TEM			
		7	0

TRUE COPY CERTIFICATE

Form C of D-16-CR

STATE OF MICHIGAN, }
City of Detroit }

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
February 20th 20 24

and approved by Mayor
February 29th 20 24

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 16th

day of May A.D. 20 24

Janice M. Winfrey
CITY CLERK