



**DEPARTMENT OF PUBLIC
WORKS**

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September 4, 2024

Honorable City Council:

RE: Petition No. x2024-310 – The General Services Department request for a vacation, with reserve of a utility easement of various roads and alleys within Rouge Valley Area-District 1 bounded by McNichols Road, Fenkell Ave., West Parkway, and Telegraph Road.

Petition No. x2024-310 – The General Services Department request for a vacation, with reserve of a utility easement of various roads and alleys within Rouge Valley Area-District 1 bounded by McNichols Road 120 ft. wide, Fenkell Ave., 66 ft. wide, West Parkway, 70 ft. wide and Telegraph Road 66 ft. wide.

This petition comes as part of a vacation to easement request to assemble parcels in the Rouge Valley Parkway flood plain area.

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, request for a vacation, with reserve of a utility easement of various streets and alleys within Rouge Valley Area-District 1 bounded by McNichols Road 120 ft. wide, Fenkell Ave., 66 ft. wide, West Parkway, 70 ft. wide and Telegraph Road 66 ft. wide., further described as land in the City of Detroit, Wayne County, Michigan being:

1. South Riverdale Drive, 50 ft. wide, lying adjacent to Outlot A, and adjacent to lots 85 through 94 and lot 97 of the "Riverdale Park Subdivision" as recorded in Liber 33 Page 77 of Plats, Wayne County Records.
2. North Riverdale Drive, 50 ft. wide, lying adjacent to Outlot A, and adjacent to lots 49 through 54 and lot 56 of the "Riverdale Park Subdivision" as recorded in Liber 33 Page 77 of Plats, Wayne County Records.
3. North Riverdale Drive, 50 ft. wide, lying adjacent to Outlot B, and adjacent to lots 57, 60-61, 64, 68, 69, 72, and 188 of the "Riverdale Park Subdivision" as recorded in Liber 33 Page 77 of Plats, Wayne County Records.
4. Verne Ave., 60 ft. wide lying southerly of and adjacent to lots 298 through 320, lying southerly of and adjacent to lots 295 and 341, lying northerly of and adjacent to lots 269 through 291, and lying northerly of and adjacent to lots 294 and 340 of the "Riverdale Park Subdivision" as recorded in Liber 33 Page 77 and the "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.
5. West Riverdale Drive, 60 ft. wide lying easterly of and adjacent to lots 26 and 27, lying easterly of and adjacent to lots 210 through 227, and 292 through 297, lying westerly of and adjacent to the Rouge River, lying westerly of and adjacent to lots 339-340 and 341 of "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.
6. Florence Ave., 60 ft. wide lying southerly of and adjacent to lots 228 through 249, lying southerly of and adjacent to lot 225 and 340, lying northerly of and adjacent to lots 113, 131, 132, 159, 160, 192, 193, 224, and 339 of "Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.
7. Appleton Ave., 60 ft. wide, lying easterly of and adjacent to lots 125 through 131, and lying westerly of and adjacent to lots 132 to 139 of "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.

8. Iliad Ave., 60 ft. lying easterly of and adjacent to lots 150 through 159 and lots 138 and 281, lying westerly of and adjacent to lots 160 through 170 and lots 237 and 282 of "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.
9. Virgil Ave., 60 ft. wide lying easterly of and adjacent to lots 181 through 192, lying westerly of and adjacent to lots 193 through 204 of "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.
10. Puritan Ave., 60 ft. wide lying southerly of and adjacent to lots 117 through 125, 139 through 150, 170 through 181, and 207 through 210; and lying northerly of and adjacent to lot 338 of "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.
11. South Riverdale Road, 50 ft. wide, lying westerly of and adjacent to lots 115 through 121 of "Riverdale Park Subdivision" as recorded in Liber 33 Page 77 of Plats, Wayne County Records.
12. Iliad St., 50 ft. wide lying westerly of and adjacent to lots 133 through 135, lying westerly of and adjacent to lot 125 and part of lot 782 of "Brightmoor-Wolfram Subdivision" as recorded in Liber 45 Page 62 of Plats, Wayne County Records.
13. Iliad Ct., 50 ft. wide lying adjacent to lots 109 through 132, lying adjacent to lots 782 through 789 of "Brightmoor-Wolfram Subdivision" as recorded in Liber 45 Page 62 of Plats, Wayne County Records.
14. Midland Ave., 50 ft. wide lying southerly of and adjacent to lot 85, and lying northerly of and adjacent to lot 84 within the "Brightmoor Wolfram Subdivision" as recorded in Liber 45 Page 62 of Plats, Wayne County Records.
15. Public east-west alley, 20 ft. wide, lying southerly of and adjacent to lots 116 and 126, and lying northerly of and adjacent to lots 117 through 125, lying easterly of and adjacent to Riverview Ave., 60 ft. wide, lying westerly of and adjacent to Appleton Ave. within the "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.
16. Public east-west alley, 20 ft. wide, lying southerly of and adjacent to lots 138 and 151 and lying northerly of and adjacent to lots 139 through 150, lying easterly of and adjacent to Appleton Ave., 60 ft. wide, and lying westerly of and adjacent to Iliad Ave., 60 ft. wide within the "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.

17. Public east-west alley, 20 ft. wide, lying southerly of and adjacent to lots 169 and 182, lying northerly of and adjacent to lots 170 through 181, lying easterly of and adjacent to Iliad Ave., 60 ft. wide, and lying westerly of and adjacent to Virgil Ave., 60 ft. wide within the "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.
18. Public east-west alley, 20 ft. wide, lying northerly of and adjacent to lots 204 through 210, lying southerly of and adjacent to lots 203 and 211, lying easterly of and adjacent to Virgil Ave., 60 ft. wide, lying westerly of and adjacent to W. Riverdale Drive within "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.
19. Public north-south, 20 ft. wide, lying easterly of and adjacent to lot 203, lying westerly of and adjacent to lots 211 through 213 within the "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 of Plats, Wayne County Records.
20. Public east-west alley, 20 ft. wide, lying southerly of and adjacent to lot 214, lying northerly of and adjacent to lot 213, and lying westerly of and adjacent to West Riverdale Drive, 60 ft. wide within the "McReady 5 ½ Mile Road Tele-Rouge Subdivision" as recorded in Liber 58 Page 58 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 Sewerage 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,

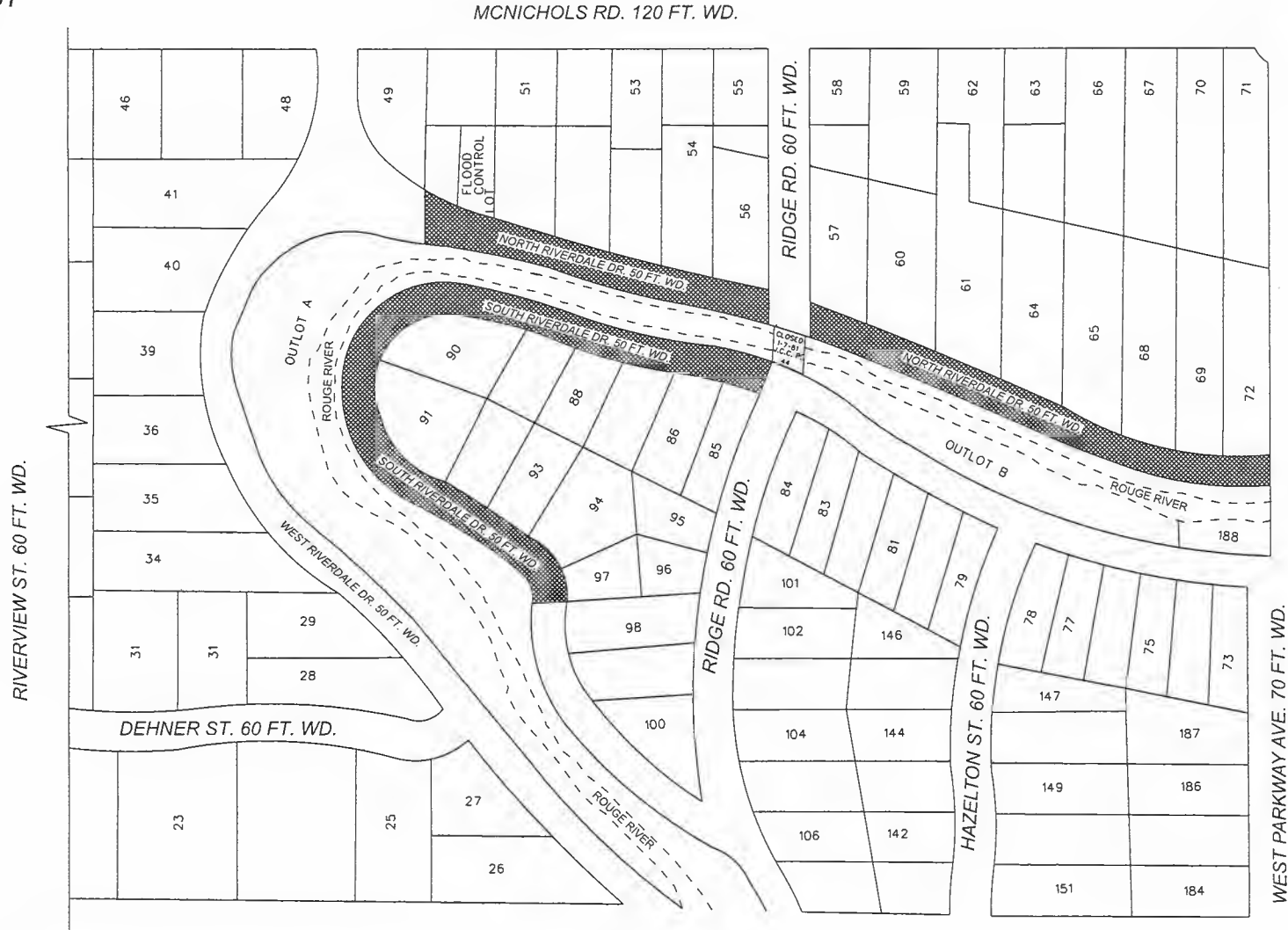
etc., shall be built upon said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

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-24-97



- REQUEST VACATION TO EASEMENT

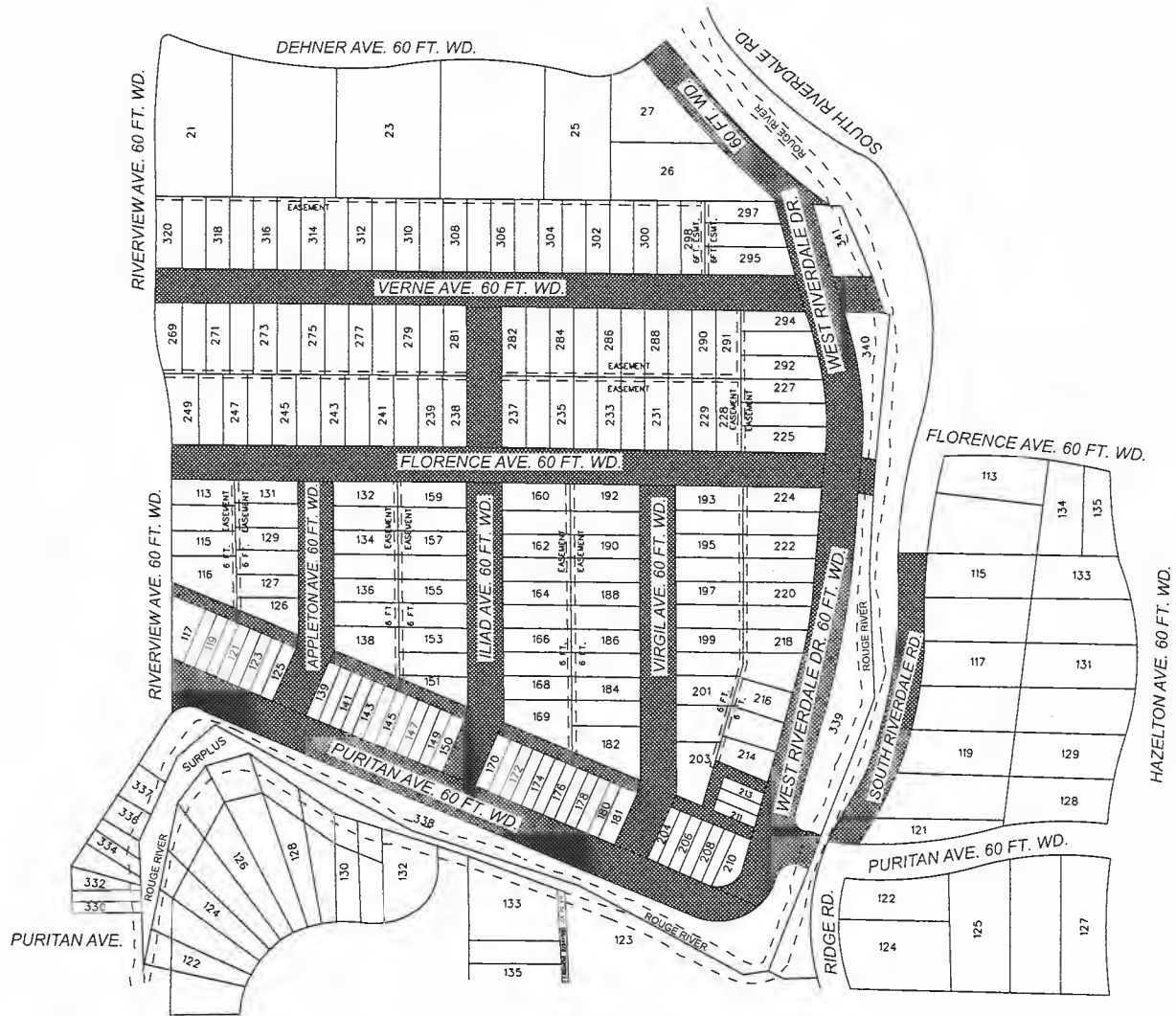
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CARTO 121 B

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DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	LC	CHECKED	AP		
DATE	07-24-2024	APPROVED	RW		

**REQUEST VACATION TO EASEMENT
 OF STREETS AND ALLEYS
 WITHIN ROUGE VALLEY AREA - DISTRICT 1
 BOUNDED BY MCNICHOLS RD., FENKELL AVE.,
 WEST PARKWAY, AND TELEGRAPH RD.**

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	24-97
DRWG. NO.	01



- REQUEST VACATION TO EASEMENT

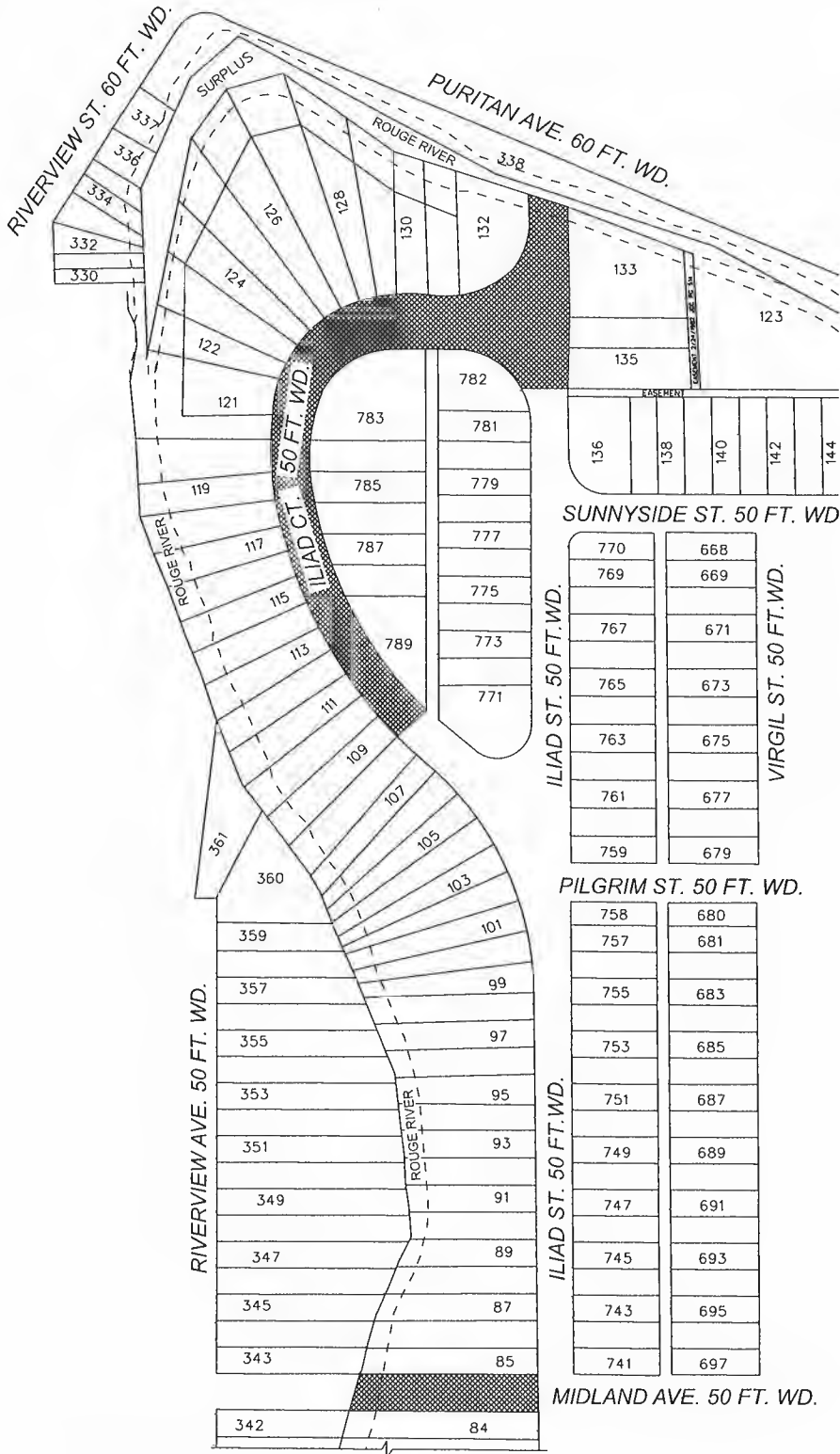
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CARTO 121 B

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DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	LC	CHECKED	AP		
DATE	07-24-2024	APPROVED	RW		

REQUEST VACATION TO EASEMENT
 OF STREETS AND ALLEYS
 WITHIN ROUGE VALLEY AREA - DISTRICT 1
 BOUNDED BY MCNICHOLS RD., FENKELL AVE.,
 WEST PARKWAY, AND TELEGRAPH RD.

CITY OF DETROIT	
CITY ENGINEERING DIVISION	
SURVEY BUREAU	
JOB NO.	24-97
DRWG. NO.	02



- REQUEST VACATION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 121 E

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DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	LC	CHECKED	AP		
DATE	07-24-2024	APPROVED	RW		

REQUEST VACATION TO EASEMENT
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DRWG. NO.	03