



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

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April 26th, 2023

Honorable City Council:

RE: Petition No. x2023-126 – CHN Housing Partners requests to vacate to utility easement the west half of Burgess Street, south of Santa Clara Avenue.

Petition No. x2023-126 – CHN Housing Partners requests to vacate to utility easement the west half of Burgess Street, 50 ft. wide, south of Santa Clara Avenue, 50 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 the site development adjacent to the proposed vacation site. The proposed vacation to utility easement includes the establishment of a public access easement over the described easterly vacated portion of Burgess Street.

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, Part of Burgess Street, 50 ft. wide, south of Santa Clara Avenue, 50 ft. wide, further described as land in the City of Detroit, Wayne County, Michigan being: Burgess Street, 50 ft. wide, lying westerly of and adjacent to lot 87 and easterly of and adjacent to lot 88 of "Elm Avenue Subdivision" as recorded in Liber 34, Page 21 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

Sixth, said owners hereby grant to and for the use of the public an easement or right-of-way over the easterly 25 ft. of said vacated public right of way herein above described for the purposes of maintaining access to the east-west alley adjacent to the vacated portion of Burgess Street. The owners agree to keep the public access easement free of obstructions to ensure public access. The installation of gates, fences, or other installments within the public access easement shall be prohibited. Owners agree to maintain the paved grading upon the public access easement to City Standard Specification.

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

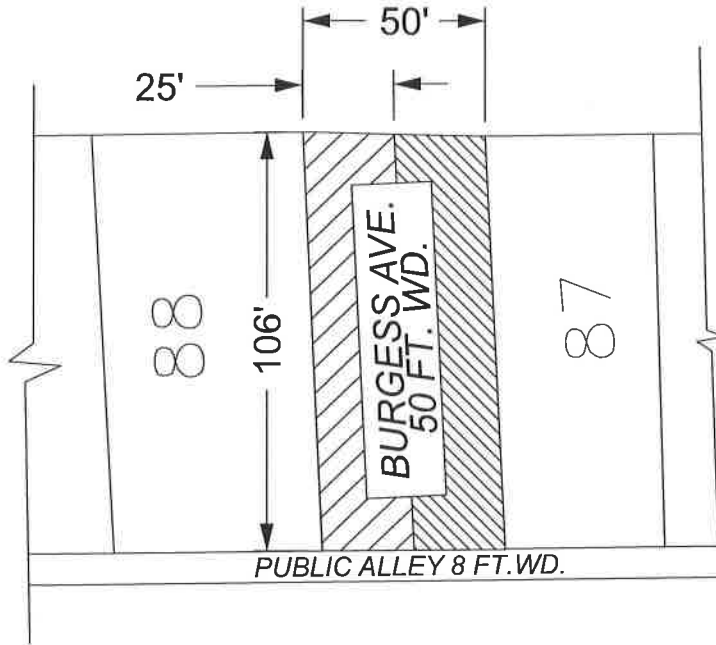
PROVIDED, that if it becomes necessary to remove the paved right of way returns at the entrances such removal and construction of the new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specification with all costs borne by the abutting owner(s),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



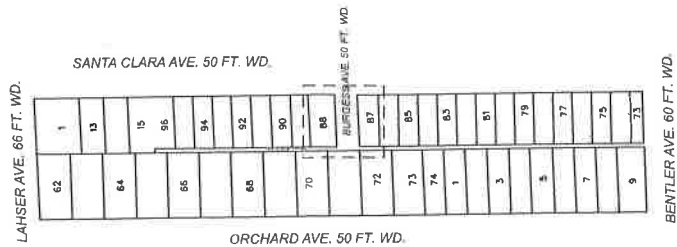
SANTA CLARA AVE. 50 FT. WD.

LAHSER AVE. 66 FT. WD.



BENTLER AVE. 60 FT. WD.

ORCHARD AVE. 50 FT. WD.



- CONVERSION TO EASEMENT
(With Reserve of Utility and Public Access)

- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 114 D

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	LC	CHECKED	JD		
DATE	04-25-2023	APPROVED	JD		

CONVERSION TO EASEMENT
BURGESS 50 FT. WD.
FROM SANTA CLARA SOUTH
TO THE EAST WEST ALLEY,
A TOTAL LENGTH OF 106'

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	22-62
DRWG. NO.	