



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
FAX: (313) 224-3471
WWW.DETROITMI.GOV

January 10th, 2024

Honorable City Council:

RE: Petition No. x2024-015 – Ser Metro Detroit, request to vacate, with reserve of a utility easement, the public alley lying westerly of Western Street and adjacent to the property commonly known as 9215 Michigan Avenue.

Petition No. x2024-015 – Ser Metro Detroit, request to vacate, with reserve of a utility easement, the public alley, 20 ft. wide, lying westerly of Western Street and adjacent to the property commonly known as 9215 Michigan Avenue.

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, 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 lying westerly of Western Street and adjacent to the property commonly known as 9215 Michigan Avenue., further described as land in the City of Detroit, Wayne County, Michigan being:

Public alley, 20 ft. wide, lying southerly of and adjacent to lots 1 through 4 and northerly of and adjacent to lot 5 of "Nall's Subdivision" as recorded in Liber 14, Page 75 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.



MICHIGAN AVE. 100 FT. WD.

STECKER AVE. 70 FT. WD.



WESTERN AVE. 60 FT. WD.



- REQUEST VACATION WITH EASEMENT

(FOR OFFICE USE ONLY)

CARTO 4 B

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	LC	CHECKED		AP	
DATE	11-13-2023	APPROVED		JD	

REQUEST VACATION WITH EASEMENT
OF THE EAST/WEST ALLEY
BOUNDED BY WESTERN AVE.,
MICHIGAN AVE., AND THE
DETROIT CITY LINE

CITY OF DETROIT
CITY ENGINEERING DIVISION
SURVEY BUREAU

JOB NO. 23-145

DRWG. NO.



September 27, 2023

9215 Michigan Avenue
Detroit, MI 48210
(313) 945-5200
Fax (313) 945-1566

Detroit Buildings, Safety Engineering, and
Environmental Department (BSEED)
2 Woodward Ave.
Detroit MI 48226

Main Office

9301 Michigan Avenue
Detroit, MI 48210
(313) 846-2240
Fax (313) 846-2247



To Whom It May Concern,

SER Metro-Detroit, Jobs for Progress Inc., headquartered at 9301 Michigan Avenue, Detroit MI 48210, hereby authorizes Ms. Nancy Hewitt to act on SER Metro-Detroit's behalf in regards to property compliance and inspections. This includes all Detroit properties affiliated with SER Metro-Detroit. Ms. Nancy Hewitt is employed with SER Metro-Detroit as Facilities Maintenance Manager. When requesting information from the City of Detroit BSEED Department, she will make identification available. If you have any questions or concerns, please feel free to contact me at mzrate@sermetro.org.

Sincerely,

Manuela M. Zarate
Chief Operating Officer

Name: Manuela M. Zarate

Signature: *Manuela M. Zarate*

Date: 10/6/2023

Notary Public

Name: Marlene Velazquez

Signature: *Marlene Velazquez*

Commission Expires: 12/01/2028

Marlene Velazquez
Notary Public State of Michigan
Wayne County
My Commission Expires 12/01/2028
Acting In the County of Wayne

