July 29, 2019

Honorable City Council:

RE: Petition No. 1006 — Wayne State University, request an outright vacation of public dedicated alley rights-of-way located at York St., Cass Avenue, Antoinette St. and Second Blvd. in Research and Technology Park / Tech Town Area.

Petition No. 1006 — Wayne State University, request to outright vacate and amended to outright vacate part and to vacate and convert to easement part of the east-west alley, 20 feet wide, and the north-south alley, 18 feet wide, first west of Cass Avenue, all in the Block of Antoinette Street, 50 feet wide, York Street, 50 feet wide, Second Boulevard, 150 feet wide, and Cass Avenue, 80 feet wide.

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

The request is being made so that Wayne State University can construct a new parking structure on the west side of Cass Avenue between York and Antoinette Streets as support for further development in the surrounding Research and Technology Park / Tech Town area.

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 to the conversion to easement and outright vacation. The specific DWSD provisions for easements and vacations are included in the resolution.

DTE Energy reports having services in the area. Provisions to maintain access to DTE facilities in the easement area; and to pay for the removal work for the vacation is a part of the resolution.

AT&T reports having services in the area. Provisions to maintain access to AT&T facilities in the easement area; and to pay for the removal work for the vacation is a part of the resolution.

Planning and Development Department reports that the area of the development is within the “New Amsterdam Historic District” and the project will need Historic District Commission (HDC) approval. A provision for HDC approval is part of the resolution.
All other involved City Departments, and privately owned utility companies have reported no objections to the outright vacation of the public right-of-way, and the conversion of the public right-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

[Signature]

Richard Doherty, P.E., City Engineer
City Engineering Division – DPW

/JK
Cc: Ron Brundidge, Director, DPW
    Mayor's Office – City Council Liaison
RESOLVED, that all of the west part of the east-west alley, 20 feet wide, and the south part of the north-south alley, 18 feet wide, first west of Cass Avenue, all in the Block of Antoinette Street, 50 feet wide, York Street, 50 feet wide, Second Boulevard, 150 feet wide, and Cass Avenue, 80 feet wide; Further described as land in the City of Detroit, Wayne County, Michigan being:

1) Part of the east-west alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 13 and 14, also lying southerly of and adjoining the southerly line of Lots 23 and 24 "Mandelbaums' Subdivision of Out Lot 117, Cass Farm" as recorded in Liber 2, Page 8 of Plats, Wayne County Records.

2) Part of the north-south alley, 18 feet wide, lying easterly of and adjoining the easterly line of the southerly 67.5 feet of Lot 11, also lying westerly of and adjoining the westerly line of Lot 1 and the southerly 20 feet of Lot 2 "Cass Farm Co. Limited Subdivision of Blocks 111, 112, 113, 114, 115, 116, 118, and 119 Cass Farm" as recorded in Liber 19, Page 35 of Plats, Wayne County Records.

Be and the same are hereby vacated as a public rights-of-way and converted into a private easements for public utilities of the full width of the rights-of-way, which easements 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 rights-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 alleys 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 to and over said easement for the purpose above set forth,

Second, said utility easement or right-of-way in and over said vacated allies 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 shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored 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 the 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 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 of 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 or over said easement, or that no grade changes or storage of materials shall be made within 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 alleys 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 all 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 return at the entrance (into Antoinette Street) such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; and be it also

RESOLVED, that all of the east part of the east-west alley, 20 feet wide, and the north part of the north-south alley, 18 feet wide, first west of Cass Avenue, all in the Block of Antoinette Street, 50 feet wide, York Street, 50 feet wide, Second Boulevard, 150 feet wide, and Cass Avenue, 80 feet wide; further described as land in the City of Detroit, Wayne County, Michigan being:

1) Part of the east-west alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 10 and 11, also lying southerly of and adjoining the southerly line of Lots 8 and 9 “Cass Farm Co. Limited Subdivision of Blocks 111, 112, 113, 114, 115, 116, 118, and 119 Cass Farm” as recorded in Liber 19, Page 35 of Plats, Wayne County Records.

2) Part of the north-south alley, 18 feet wide, lying easterly of and adjoining the easterly line of Lot 8 the northerly 82.5 feet of Lot 11, also lying westerly of and adjoining the westerly line of Lots 3, 4, 5, 6, and 7, and the northerly 25 feet of Lot 2 “Cass Farm Co. Limited Subdivision of Blocks 111, 112, 113, 114, 115, 116, 118, and 119 Cass Farm” as recorded in Liber 19, Page 35 of Plats, Wayne County Records.

Be and the same is hereby vacated (outright) as public right-of-way to become part and parcel of the abutting property, subject to the following provisions:

Provided, that petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services or granting of private easements for specific utility companies, if necessary, and further

Provided, that the petitioner make the necessary arrangements with DTE Energy for the removal of their facilities and miscellaneous associated work with the cost borne by the petitioner (Cost estimated at $431,009.18), and further

Provided, that the petitioner make the necessary arrangements with AT&T for the removal of their facilities and miscellaneous associated work with the cost borne by the petitioner (Cost estimated at $72,274.19), and further

Provided, that the petitioner shall design and construct proposed sewers and to make the connections to the existing public sewers as required by Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed sewers, and further

Provided, that the plans for the sewers shall be prepared by a registered engineer; and further

Provided, that DWSD be and is hereby authorized to review the drawings for the proposed sewers and to issue permits for the construction of the sewers; and further

Provided, that the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further
Provided, that the entire cost of the proposed sewers construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, that the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

Provided, that the petitioner shall grant to the City a satisfactory easement for the sewers, and further

Provided, that the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City, and further

Provided, that the petitioner shall provide a one (1) year warranty for the proposed sewers, and further

Provided, that upon satisfactory completion, the sewers shall become City property and become part of the City system. And any existing sewers that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City; and further

Provided, that any construction in the public rights-of-way such as curbs and sidewalks shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; and further

Provided, that prior to construction the petitioner shall obtain approval of the Detroit Historical Commission to ensure compliance and suitability of the new construction in the New Amsterdam Historic District, 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.
**REQUESTED CONVERSION TO EASEMENT**

**OUTRIGHT VACATION**

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FOR OFFICE USE ONLY

REQUEST TO OUTRIGHT VACATE AND CONVERT TO EASEMENT THE EAST/WEST AND NORTH/SOUTH PUBLIC ALLEYS VARIOUS WIDTHS IN THE BLOCK BOUNDED BY ANTOINETTE, YORK ST., CASS AVE. AND SECOND BLVD.

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU

JOB NO. 01-01
DRWG. NO. X 1006
FROM: Mr. Andre Gilbert II, Junior Assistant City Council Committee Clerk

SUBJECT: Petition #1006, Wayne State University, request an outright vacation of public dedicated alley right-of-ways located at York St., Cass Avenue, Antoinette St. and Second Boulevard Block Research and Technology Park / TechTown Area.

FAX TO THE FOLLOWING DEPARTMENT(S):
Mr. Richard Doherty, City Engineer
Mr. Maurice Cox, Director
DPW - City Engineering Division
Planning and Development Department
(313) 224-1464
(313) 224-1629

Attachment
DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, March 03, 2016

To: The Department or Commission Listed Below
From: Janice M. Winfrey, Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

DPW - CITY ENGINEERING DIVISION   PLANNING AND DEVELOPMENT DEPARTMENT

1006 Wayne State University, request an outright vacation of public dedicated alley right-of-ways located at York St., Cass Avenue, Antoinette St. and Second Boulevard Block Research and Technology Park / TechTown Area.
February 8, 2016

Honorable City Council of the City of Detroit
% Office of the City Clerk
Room 200
Coleman A. Young Municipal Center
2 Woodward Avenue
Detroit, Michigan 48226

Subject: Outright Vacation of Public Dedicated Alley Rights-of-Way
York Street, Cass Avenue, Antoinette Street and Second Boulevard Block
Research and Technology Park / TechTown Area

Honorable City Council:

Wayne State University proposes to construct a new parking structure on the west side of Cass Avenue between York and Antoinette Streets as support for further development in the surrounding Research and Technology Park / TechTown area.

And, in order to accomplish this objective, the University hereby formally petitions your Honorable Body to outright vacate certain public dedicated alley rights-of-way in the block bounded by York Street, Cass Avenue, Antoinette Street, and Second Boulevard. These public dedicated alleys to be outright vacated are more particularly described as follows (Please reference attached plat map):

All of the north-south 18 foot public alley first west of Cass Avenue between York Street (60 feet wide) and Antoinette Street (60 feet wide), Cass Farm Company Limited Subdivision of Blocks 111 thru 119, inclusive, Cass Farm, City of Detroit, Wayne County, Michigan, as recorded in Liber 19, Page 35 of Plats, Wayne County Records, lying west of and adjoining the westerly line of Lots 1 thru 7, inclusive, lying east of and adjoining the easterly line of Lot 8, lying east of and adjoining the easterly line of the 20 foot public alley between Lots 8 and 11, lying east of and adjoining the easterly line of Lot 11, all of the above mentioned subdivision.

All that part of the east-west 20 foot public alley parallel to and between York Street (60 feet wide) and Antoinette Street (60 feet wide), Cass Farm Company Limited Subdivision of Blocks 111 thru 119, inclusive, Cass Farm, City of Detroit, Wayne County, Michigan, as recorded in Liber 19, Page 35 of Plats, Wayne County Records, lying south of and adjoining the southerly line of Lots 8 and 9, lying north of and adjoining the northerly line of Lots 10 and 11, all of the above mentioned subdivision.

All that part of the east-west 20 foot public alley parallel to and between York Street (60 feet wide) and Antoinette Street (60 feet wide), Mandelbaum’s Subdivision of Outlots 117, Subdivision of Cass Farm, City of Detroit, Wayne County, Michigan, as recorded in Liber 2, Page 8 of Plats, Wayne County Records, lying north of and adjoining the northerly line of Lots 13 and 14, lying south of and adjoining the southerly line of Lots 23 and 24, all of the above mentioned subdivision.
February 8, 2016
Honorable City Council of the City of Detroit
% Office of the City Clerk
Subject: Outright Vacation of Public Dedicated Alley Rights-of-Way
York Street, Cass Avenue, Antoinette Street and Second Boulevard Block
Research and Technology Park / TechTown Area

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Wayne State is prepared to work with the City and utility agencies on any infrastructure disposition matters and is hopeful that your Honorable Body will give favorable consideration to our request, so that improvements to this most essential area can both enhance the University Research and Technology Park, as well as further the revitalization efforts within TechTown and the City of Detroit.

Respectfully Submitted,

[Signature]

William R. Decatur
Vice President for Finance and Business Operations,
Treasurer and Chief Financial Officer

Attachment

Cc: Richard Doherty, City Engineer, City Engineering Division, Department of Public Works, City of Detroit.
Patrick O. Lindsey, Vice President, Government and Community Affairs, Wayne State University.
Pamela R. Galloway, Assistant General Counsel, Office of the General Counsel, Wayne State University.
James R. Sears, Associate Vice President, Facilities Planning and Management, Wayne State University.
Randy G. Paquette, Senior Director, Design and Construction Services, Facilities Planning and Management, Wayne State University.
Outright Vacation of Public Dedicated Alley Rights-of-Way
York St., Cass Ave., Antoinette St. and Second Blvd. Block
1006 Petition of Wayne State University, request an outright vacation of public dedicated alley right-of-ways located at York St., Cass Avenue, Antoinette St. and Second Boulevard Block Research and Technology Park / TechTown Area.

REFERRED TO THE FOLLOWING DEPARTMENT(S)

DPW - CITY ENGINEERING DIVISION  PLANNING AND DEVELOPMENT DEPARTMENT

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