

City Clerk's Office

December 6, 1995

Honorable City Council:

Re: Application for Neighborhood Enterprise Zone Certificate for Victoria Park

On October 21, 1992, your Honorable Body established neighborhood enterprise zones. I am in receipt of one (1) application for a Neighborhood Enterprise Zone Certificate. This application has been reviewed and recommended for approval by the City Planning Commission, a copy of which is on file in the City Clerk's Office. Therefore, the attached Resolution, if adopted by your Honorable Body, will approve this application. A waiver of reconsideration is requested.

Respectfully submitted,
JACKIE L. CURRIE
City Clerk

By Council Member Hood:

Whereas, Michigan Public Act 147 of 1992 allows the local legislative body to establish Neighborhood Enterprise Zones for the purpose of providing exemption from ad valorem property taxes, and the imposition of specific property tax in lieu of ad valorem taxes; and

Whereas, The Detroit City Council has established Neighborhood Enterprise Zones for the following areas in the manner required by and pursuant to Public Act 147 of 1992, on October 21, 1992, JCC pgs. 2272-77.

Now, Therefore, Be It Resolved, That the City Council approve the following address for receipt of a Neighborhood Enterprise Zone Certificate for a twelve year period:

Zone	Address	Application Number
Victoria Park	560 South Eastlawn Court	92-01-159

And Be It Resolved, That the City Council approve this address for receipt of a Neighborhood Enterprise Zone Certificate for a twelve year period with the understanding that the legislation to rectify the building permit issue is needed before the State Tax Commission can approve this NEZ certificate.

And Be It Further Resolved, That the City Clerk shall forward each tax exemption certificate application to the State Tax Commission.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

City Planning Commission

December 4, 1995

Honorable City Council:

Re: Request of American Axle & Manufacturing, Inc. (AA&M) (Petition

#1258) to "vacate and convert to easement" a portion of the following six public streets (Greeley Street, Westminster Avenue, Anna Avenue, Knox Street, Gillett Avenue, and Alger Avenue) and to "temporarily close" a portion of Greeley Street near Holbrook Avenue in the area adjacent to its factory located on Holbrook Avenue (RECOMMEND PARTIAL APPROVAL).

BACKGROUND

AA&M produces axle and driveline components for the auto industry in five manufacturing plants located in Michigan and New York. Its Detroit Forge Plant, formally the site of Chevrolet Forge, is located just east of I-75 at 1840 Holbrook Avenue. Most of the facility, which includes six plants employing approximately 4,500 workers, is located in Detroit with the northern and eastern edges in Hamtramck. Since the time AA&M acquired the plant a few years ago, it has been redeveloping the area by remodeling the plant and purchasing surrounding dilapidated commercial buildings, vacant lots, and abandoned and occupied houses.

Between I-75 and the western edge of the plant is an area of 10 streets. While previously containing about 200 houses and scattered commercial and industrial buildings, the area, due to abandonment and blight, now has about 35 single family houses, 4 businesses, and numerous vacant lots. AA&M is requesting to vacate a portion of six streets in this area in order to provide a greenbelt around its facility, to reduce illegal activity such as dumping and drug dealing, and to assemble land for parking and possible future expansion.

PROPOSAL

The requests can be divided into four distinct areas labeled A through D on the attached map and described below.

Area A

Area A includes a portion of Greeley Street and Westminster Avenue. The land surrounding these streets is vacant except for a parking lot to the south used by AA&M. This area was previously used as a junk yard cleaned up by AA&M.

Area B

In area B, AA&M is requesting to "temporarily close" about 100 feet of Greeley south of Holbrook and to "vacate" about 170 feet of Greeley between Gillett and the first alley south of Holbrook. AA&M is proposing to block the entrance to Greeley at Holbrook in order to provide a continuous greenbelt along Holbrook and to decrease illegal activity such as dumping and drug dealing.

Area C

In area C, AA&M is requesting to close Knox Street, Gillett Street, and Anna Street. The area surrounding these streets is vacant except for one commer-

cial building on Gillett. The owner of this structure has recently agreed to sell his business to AA&M and is expected to move around May 1996. AA&M is proposing to add a parking lot onto this area.

Area D

Area D includes a portion of Alger Avenue. It provides access to the western edge of the plant and to a Detroit Edison transformer yard serving the plant. This area would be closed to prevent illegal dumping.

CONSIDERATIONS

Master Plan Consistency

In the Detroit Master Plan of Policies, the recommended future land use for this area shows "Industry (auto assembly)" for the area between Hamtramck and the I-75 service drive. The Plan calls for eventually removing the residences wherever feasible and consolidating the land into industrial parcels.

Zoning

The Detroit Zoning Ordinance shows the entire subject area as zoned M4 Intensive Industrial District.

Circulation and Community Access

Vacating the streets as proposed in Areas A, C, and D would appear to present no disruption of traffic circulation and would not negatively impact access to property.

However, the proposal to vacate and temporarily close a portion of Greeley at Holbrook (Area B) at this time would appear to cause a major change in traffic circulation and a substantial inconvenience in accessing property to the 12 houses remaining on Greeley south of Holbrook. It may also negatively impact the economic viability of the one remaining industrial business south of Holbrook on Greeley Street. Persons trying to travel south onto Greeley from Holbrook would be forced to travel one mile south on the I-75 service drive to Clay Avenue and then head north on the service drive back toward Holbrook. The one remaining business on Greeley has indicated that closing Greeley Street would hinder the ability of his clients to reach his business. Russell Street Missionary Baptist Church of Christ located on the I-75 service drive just south of Holbrook has indicated in writing that, after much reflection, it endorses the closing of Greeley and that all of its needs could be handled by the remaining streets and public ways.

RECOMMENDATION

City Planning Commission (CPC) staff recommend approval of vacating a portion of Greeley Street and Westminster Avenue as shown in Area A, vacating Knox Street, Anna Street, and Gillett Street as shown in Area C, and vacating a portion of Alger Street as shown in Area D. Closing these streets would not disrupt traffic circulation and access to properties and would allow

AA&M to beautify the area, prevent illegal activities such as dumping, and provide land for expanded parking.

CPC staff recommend that the request to vacate and temporarily close that portion of Greeley Avenue near Holbrook Avenue as shown in Area B not be approved or denied at this time, but be brought back in 12 months by City Engineering for further consideration by the City Council. While CPC staff acknowledges that this street may need to eventually be closed, closing this street at this time would cause major inconvenience in accessing the houses on Greeley and could negatively impact the economic viability of the one business remaining on Greeley.

Respectfully submitted,

MARSHA S. BRUHN

Director

CHRISTOPHER J. GULOCK

Staff

Department Of Public Works City Engineering Division

December 5, 1995

Honorable City Council:

Re: Petition No. 1258 — **AMENDED RESOLUTION**. American Axle and Manufacturing, Inc. Street and Alley Closings — Empowerment Zone in the area generally bounded by the Chrysler Freeway, Grand Trunk Railroad, and Euclid. **[NOTE; As requested by City Council on December 5, 1995, this resolution removes Greeley, south of Holbrook.]**

Petition No. 1258 of "American Axle and Manufacturing, Inc." requests the conversion of certain public streets and alleys in the area generally bounded by the Chrysler Freeway, Grand Trunk Railroad, and Euclid Avenue into private easement(s) for public utilities. This is part of a major manufacturing investment in the Empowerment Zone. The City Council authorized a professional services contract for the city portion of the development project on April 5, 1995 (J.C.C. pages 810-811). Also, involved are funds from the Michigan Department of Transportation and the City of Hamtramck.

The petition was referred to the City Engineering Division-DPW by the Planning and Development Department for investigation (utility clearances) and report. This is our report:

The City Engineering Division-DPW (CED-DPW) has received documents [in conjunction with the division's own research of public tax records] that American Axle and Manufacturing, Inc. (AA&M) is [1] the owner; [2] has rights and interests in abutting properties, and/or [3] obtained the written consent of all other owners abutting the public rights-

of-way shown on CED-DPW "drawing no. X-1258.dgn.". Lot 127 of "Reutter's Subdivision" City of Detroit, Wayne County, Michigan as recorded in Liber 12, page 30, Plats, Wayne County Records; is in probate court at this time. Therefore, AA&M is requesting a temporary closing of that part of the public alley abutting said Lot 127. The city retains all rights and interests in the part of public alley abutting said Lot 127. AA&M will hold the city harmless from claims, damages, or expenses that may arise from the temporary closing.

The Traffic Engineering Division-DPW has approved the public street closings.

The Michigan Department of Transportation (MDOT) reports: "Involved; all underlying property for the existing pedestrian bridge will be relinquished to American Axle & Comp[any] in exchange to remove the pedestrian structure. MDOT has no interest to reserve an easement or rights to the street or alley at or near Westminster [by Ernie Savas, MDOT-Operations Engineer]."

The City Council will need to accept the deeds of AA&M for the public street turning radii along rebuilt Holbrook Avenue. The three triangular-shaped parcels are part of a separate engineering report to be submitted to City Council by CED-DPW.

If it becomes necessary to remove the street and alley return entrances (into Holbrook, Alger and/or the Chrysler Freeway service drive) AA&M will pay all incidental removal costs.

The city is owner in fee of eleven (11) parts of public streets and alleys within the development site. Therefore, the Finance Director must execute a quit-claim deeds(s) to transfer the vacated and converted public rights-of-way.

City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectively submitted,
 SUNDAY JAIYESIMI
 City Engineer
 City Engineering Division-DPW

By Council Member Hood:

Resolved, The City Engineering Division - DPW is hereby authorized and directed to issue permits to "American Axle & Manufacturing, Inc., a Delaware Corporation whose post office address is 1840 Holbrook Avenue, Detroit, Michigan" to close all that part of the east-west public alley, 16 feet wide, in the block bounded by the Chrysler Freeway, Greeley Street, Alger and Holbrook Avenues lying southerly of and abutting the south line of Lot 127; also lying northerly of and abut-

ting the north line of the eastern 33.87 feet of Lot 39 of "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; on a temporary basis to expire on January 1, 2001;

Provided, The petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing; and

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and

Provided, The property owned by the petitioner and adjoining the temporary public alley closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the alley; and

Provided, No building or other structure (except necessary line fence), shall be constructed on or over the alley. The petitioner shall observe the rules and regulations of the City Engineering Division - DPW. The City of Detroit retains all rights and interests in the temporarily closed public alley. The city and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the city and utility companies; and

Provided, All of the petitioner's public property fence and gate installation(s) shall be subject to the review and approval of the City Engineering Division - DPW (if necessary, in conjunction with the Traffic Engineering Division - DPW and the Planning and Development Department); and

Provided, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, This resolution does not permit the storage of materials, display of merchandise, or advertising signs within the temporarily closed public alley. Further, the placement of materials, merchandise, or advertising signs on any adjacent berm area is prohibited. It is the intent of this provision to prohibit private advertising within public rights-of-way, but

not signs conforming to the current Michigan Manual of Uniform Traffic Control Devices; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division - DPW by the petitioner at the petitioner's expense; and

Provided, This resolution is revocable at the will, whim or caprice of the City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, This permit shall not be assigned or transferred without the written approval of the City Council; and be it further

Resolved, All the remaining east-west public alley, 18 feet wide, in the block bounded by the Chrysler Freeway, Greeley, Holbrook and Westminster Avenues lying southerly of and abutting the south line of the western 95.72 feet of Lot 67; also lying northerly of and abutting the north line of the western 20.00 feet of Lot 4, and Lots 1 thru 3 of "Gray Estate Company's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, lying North of Holbrook Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 19, Plats, Wayne County Records; also

All of the remaining north-south public alley, 20 feet wide, in the block bounded by the Chrysler Freeway, Greeley, Holbrook and Westminster Avenues having been platted as the westerly 20.00 feet of Lot 4 of "Gray Estate Company's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, lying North of Holbrook Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 19, Plats, Wayne County Records; (said part of lot having been deeded to the City of Detroit for public alley purposes on May 16, 1967 - J.C.C. pages 1090-92); also

All that part of the east-west public alley, 16 feet wide, in the block bounded by the Chrysler Freeway, Greeley Street, Alger and Holbrook Avenues lying southerly of and abutting the south line of Lots 128 thru 133; also lying northerly of and abutting the north line of the western 68.84 feet of Lot 39; also lying northerly of and abutting the north line of the north-south public alley [16 feet wide; in the block bounded by the Chrysler Freeway, Greeley Street, Alger and Holbrook Avenues]; also lying northerly of and abut-

ting the north line of Lot 38 of "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; also

All of the north-south public alley, 16 feet wide, in the block bounded by the Chrysler Freeway, Greeley Street, Alger and Holbrook Avenues lying westerly of and abutting the west line of Lots 39 thru 61; also lying easterly of and abutting the east line of Lots 17 thru 38 of "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; also

All of the east-west public alley, 16 feet wide, first south of Holbrook Avenue between Greeley and Knox Streets lying southerly of and abutting the south line of Lots 122 thru 126; also lying northerly of and abutting the north line of the north-south public alley [8 feet wide; second east of Greeley Street between Gillett Street and Holbrook Avenue]; also lying northerly of and abutting the north line of Lot 121 of "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; also

All of the north-south public alley, 8 feet wide, second east of Greeley Street between Gillett Street and Holbrook Avenue lying easterly of and abutting the east line of the northern 24.11 feet of Lot 121 of "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; also

All of the north-south public alley, 16 feet wide, second east of Greeley Street between Gillett Street and Anna Avenue lying westerly of and abutting the west line of Lot 11 of "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; also lying easterly of and abutting the east line of the southern 27.69 feet of Lot 1 21, Lots 119 and 1 20 of "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; also

All of the north-south public alley, 10 feet wide, first west of Knox Street between Gillett Street and Anna Avenue lying westerly of and abutting the west line of Lots 14 thru 17; also lying easterly of and abutting the east line of Lot 13 of "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; also

All of the east-west public alley, 16 and 20 feet wide, in the block bounded by Greeley, Knox and Gillett Streets, and Anna Avenue lying southerly of and abutting the south line of Lot 17; also lying southerly of and abutting the south line of the north-south public alley [10 feet wide; first west of Knox Street between Gillett Street and Anna Avenue]; also lying southerly of and abutting the south line of Lots 11 thru 13; also lying southerly of and abutting the south line of the east half of the north-south public alley [16 feet wide; second east of Greeley Street between Gillett Street and Anna Avenue]; also lying northerly of and abutting the north line of Lots 28 thru 34 as platted in "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; also lying southerly of and abutting the south line of the west half of the north-south public alley [16 feet wide; second east of Greeley Street between Gillett Street and Anna Avenue]; also lying southerly of and abutting the south line of the eastern 39.74 feet of Lot 119; also lying northerly of and abutting the north line of the north-south public alley [16 feet wide; first east of Greeley Street between Gillett Street and Holbrook Avenue]; also lying northerly of and abutting the north line of Lot 114 as platted in "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; also

All of the north-south public alley, 16 feet wide, first east of Greeley Street between Gillett Street and Holbrook Avenue lying westerly of and abutting the west line of Lot 114; also lying easterly of and abutting the east line of the southern 10.00 feet of Lot 118, and Lots 115 thru 117 as platted in "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; also

All of the north-south public alley, 16 feet wide, second east of Greeley Street between Dallas and Gillett Streets having been platted as the westerly 16.00 feet of Lot 45 of "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; (said part of lot having been deeded to the City of Detroit for public alley purposes on September 7, 1909 - J.C.C. page 1203); also

All of the remaining east-west public alley, 16 feet wide, in the block bounded by Greeley Street, Grand Trunk Railroad, Dallas and Gillett Streets lying southerly of and abutting the south line of the western 16.00 feet of Lot 45, and Lots 35 thru 44; also lying northerly of and abutting the north line of the western 16.00 feet of Lot 50, and Lots 51 thru 60 as platted in "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lot 113; also lying northerly of and abutting the north line of Lot 112 as platted in "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; also

All that part of the north-south public alley, 16 feet wide, first east of Greeley Street between Dallas and Gillett Streets lying westerly of and abutting the west line of the east-west public alley [16 feet wide; in the block bounded by Greeley Street, Grand Trunk Railroad, Dallas and Gillett Streets]; also lying westerly of and abutting the west line of the northern 67.00 feet of Lot 112; also lying easterly of and abutting the east line of the southern 23.00 feet of Lot 108, Lots 106 and 107 of "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; also

All of the north-south public alley, 20 feet wide, second east of Greeley Street between Alger Avenue and Dallas Street having been platted as the westerly 20.00 feet of Lot 79 of "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; (said

part of lot having been deeded to the City of Detroit for public alley purposes on September 15, 1926 - J.C.C. page 2793); also

All of the remaining east-west public alley, 16 feet wide, in the block bounded by Greeley Street, Grand Trunk Railroad, Alger Avenue, and Dallas Street lying southerly of and abutting the south line of the western 20.00 feet of Lot 70, and Lots 61 thru 69; also lying northerly of and abutting the north line of the western 20.00 feet of Lot 79, and Lots 80 thru 88 as platted in "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lot 104; also lying northerly of and abutting the north line of Lot 103 as platted in "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; also

All of the remaining north-south public alley, 16 feet wide, in the triangular block bounded by the Chrysler Freeway, Greeley and Westminster Avenues lying westerly of and abutting the west line of the southern 15.74 feet of Lot 182, the northern 35.24 feet of Lot 189, and Lots 183 thru 188; also lying easterly of and abutting the east line of the southern 27.18 feet of Lot 120, the northern 35.57 feet of Lot 126, and Lots 121 thru 125 of "Kenwood Subdivision of Lots 10,13,14 and 15 and all that part of Lots 11 and 12, lying Westerly of the Detroit, Grand Haven and Milwaukee Railroad, Quarter Section 38, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 15, Page 45, Plats, Wayne County Records; also

All of **Westminster Avenue**, 50 feet wide (having been widened as a public street on August 30, 1910 J.C.C. page 1262), lying westerly of and abutting the west line of the City of Hamtramck [Wayne County, Michigan]; also lying easterly of and abutting the east line of Russell Avenue (50 feet wide); said public street having been widened by Recorder's Court Action on August 15, 1910, taking southerly parts of Lots 126, 189, and 252 of "Kenwood Subdivision of Lots 10,13,14 and 15 and all that part of Lots 11 and 12, lying Westerly of the Detroit, Grand Haven and Milwaukee Railroad, Quarter Section 38, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 15, Page 45, Plats, Wayne County

Records; also taking a southerly part of Out Lot No. 7; also taking northerly parts of Out Lots Nos. 8, 9 and 16 of the "Plat of Quarter Section 38 in the Ten Thousand Acre Tract," City of Detroit, Wayne County, Michigan as recorded in Liber 19, Page 175, Deeds, Wayne County Records; also

All of **Greeley Avenue**, 50 feet wide, between the Chrysler Freeway and Westminster Avenue (50 feet wide) lying westerly of and abutting the west line of the southern 10.00 feet of Lot 238, the northern 31.76 feet of Lot 252, and Lots 239 thru 251; also lying easterly of and abutting the east line of the southern 9.00 feet of Lot 177, the northern 32.82 feet of Lot 189, and Lots 178 thru 188 "Kenwood Subdivision of Lots 10,13,14 and 15 and all that part of Lots 11 and 12, lying Westerly of the Detroit, Grand Haven and Milwaukee Railroad, Quarter Section 38, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 15, Page 45, Plats, Wayne County Records; also

All that part of **Morrow Avenue**, 66 feet wide, between the south line of Euclid Avenue (60 feet wide) and a line 107.16 feet southerly of and parallel to Euclid Avenue (60 feet wide); being described as follows: "All that part of Out Lots 21 and 22 of 'A plat and subdivision of Lots 5,6,7 and 8 in Quarter Section 42, Ten Thousand Acre Tract,' being more particularly described as follows: Commencing at the northeast corner of Lot 1, "Wilkin's Subdivision of a part of Quarter Sections 58 and 59, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 59, Plats, Wayne County Records; thence northerly along the west line of Morrow Avenue (66 feet wide) extended, 107.16 feet to a point in the south line of Euclid Avenue (60 feet wide); thence easterly along the south line of Euclid Avenue, 66.00 feet; thence southerly along the easterly line of Morrow Avenue (66 feet wide) extended, 107.16 feet to the northwest corner of Lot 48 of said "Wilkin's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 59, Plats, Wayne County Records; thence westerly 66.00 feet to the place of beginning;" (said part of Out Lots 21 and 22 having been deeded to the City of Detroit for public street purposes on December 12, 1911 J.C.C. page 1932); also

All of **Anna Avenue**, 40 feet wide, west of Knox Street (50 feet wide) lying southerly of and abutting the south line of Lots 4 thru 10; also lying northerly of and abutting the north line of the east half of the north-south public alley [16 feet wide; second east of Greeley Street between Gillett Street and Anna Avenue]; also lying northerly of and abutting the north line of

Lots 11 thru 13; also lying northerly of and abutting the north line of the north-south public alley [10 feet wide; first west of Knox Street between Gillett Street and Anna Avenue]; also lying northerly of and abutting the north line of Lot 14 of "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; also

All of **Knox Street**, 50 feet wide, between Holbrook Avenue (66 feet wide) and Gillett Street (50 feet wide) lying westerly of and abutting the west line of Lot 3; also lying westerly of and abutting the west line of the vacated east-west public alley [16 feet wide; first south of Holbrook Avenue and east of Knox Street; said public alley having been previously vacated by City Council on September 14, 1909 - J.C.C. page 1233]; also lying westerly of and abutting the west line of Lots 18 thru 27; also lying easterly of and abutting the east line of Lot 4; also lying easterly of and abutting the east line of Anna Avenue (40 feet wide); also lying easterly of and abutting the east line of Lots 14 thru 17; also lying easterly of and abutting the east line of the east-west public alley [16 and 20 feet wide; in the block bounded by Greeley, Knox and Gillett Streets, and Anna Avenue]; also lying easterly of and abutting the east line of Lot 28 of "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; also

All that part of **Gillett Street**, 50 feet wide, between Greeley Street and the Grand Trunk Railroad lying southerly of and abutting the south line of the eastern 70.00 feet of Lot 115; also lying southerly of and abutting the south line of the north-south public alley [16 feet wide; first east of Greeley Street between Gillett Street and Holbrook Avenue]; also lying southerly of and abutting the south line of Lot 114; also lying northerly of and abutting the north line of the eastern 70.00 feet of Lot 111; also lying northerly of and abutting the north line of the vacated north-south public alley [16 feet wide; first east of Greeley Street between Dallas and Gillett Streets; said public alley having been previously vacated by City Council on August 2, 1978 - J.C.C. pages 2177-78]; also lying northerly of and abutting the north line of Lot 113 of "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page

30, Plats, Wayne County Records; also lying southerly of and abutting the south line of the western 56.00 feet of Lot 27; also lying southerly of and abutting the south line of Knox Street (50 feet wide); also lying southerly of and abutting the south line of Lots 28 thru 34; also lying northerly of and abutting the north line of the western 16.00 feet of Lot 45, and Lots 35 thru 44 of "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; also

All that part of **Alger Avenue**, 50 feet wide, between Greeley Street and the Grand Trunk Railroad lying southerly of and abutting the south line of the western 20.00 feet of Lot 79, and Lots 80 thru 88; also lying northerly of and abutting the north line of the western 20.00 feet of Lot 98, and Lots 89 thru 97 of "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lot 103; also lying northerly of and abutting the north line of Lot 95 of "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alleys and are hereby converted into a private easement for public utilities of the full width of the streets and alleys, 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 streets and alleys 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 streets and 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 street or alley 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 streets and alleys 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 tasks, 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 fence; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) 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 streets and 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 further

Provided, That if it becomes necessary to remove the paved street and alley return(s) at their entrance(s) (into Holbrook and/or Alger Avenues), 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 heirs or assigns; and further

Provided, That if it becomes necessary to remove the paved street and alley return(s) at their entrance(s) (into the Chrysler Freeway service drive), such removal and construction of new curb and/or sidewalk shall be done under per-

mit(s) and inspection according to Michigan Department of Transportation (M-DOT) specifications 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; and be it further

Resolved, The Finance Director is hereby authorized and directed to issue a quit-claim deed to transfer the following vacated public (street and alley) rights-of-way to "American Axle & Manufacturing, Inc., a Delaware Corporation whose post office address is 1840 Holbrook Avenue, Detroit, Michigan" for the fair market value and/or other valuable considerations:

(1) Land in the City of Detroit, Wayne County, Michigan being the westerly 20.00 feet of Lot 4 of "Gray Estate Company's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, lying North of Holbrook Avenue," as recorded in Liber 27, Page 19, Plats, Wayne County Records; (said part of lot having been deeded to the City of Detroit for public alley purposes on May 16, 1967 - J.C.C. pages 1090-92); containing about 2,000 square feet or 0.0459 acre more or less; subject to a private easement for public utilities; and

(2) Land in the City of Detroit, Wayne County, Michigan being the westerly 16.00 feet of Lot 45 of "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," as recorded in Liber 12, Page 27, Plats, Wayne County Records; (said part of lot having been deeded to the City of Detroit for public alley purposes on September 7, 1909 - J.C.C. page 1203); containing about 1,600 square feet or 0.0367 acre more or less; subject to a private easement for public utilities; and

(3) Land in the City of Detroit, Wayne County, Michigan being the westerly 20.00 feet of Lot 79 of "Russell and Bigelow's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," as recorded in Liber 12, Page 27, Plats, Wayne County Records; (said part of lot having been deeded to the City of Detroit for public alley purposes on September 15, 1926 - J.C.C. page 2793); containing about 2,000 square feet or 0.0459 acre more or less; subject to a private easement for public utilities; and

(4) Land in the City of Detroit, Wayne County, Michigan being a southerly part of Lot 126 of "Kenwood Subdivision of Lots 10,13,14 and 15 and all that part of Lots 11 and 12, lying Westerly of the Detroit, Grand Haven and Milwaukee Railroad, Quarter Section 38, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," as recorded in Liber

15, Page 45, Plats, Wayne County Records; (said part of lot having been taken for the widening and opening of Westminster Avenue by Recorder's Court Action on August 15, 1910; also having been widened and opened as a public street by City Council on August 30, 1910 - J.C.C. page 1262) being more particularly described 'in the resolution of necessity' as follows:

"The southerly part of Lot 126, being 0.97 feet in front on Russell Street and 3.41 feet in rear on the alley, 'Kenwood Subdivision of Lots 10,13,14 and 15 and all that part of Lots 11 and 12, lying Westerly of the Detroit, Grand Haven and Milwaukee Railroad, Quarter Section 38, Ten Thousand Acre Tract,'" containing about 251 square feet or 0.0058 acre more or less; subject to a private easement for public utilities; and

(5) Land in the City of Detroit, Wayne County, Michigan being a southerly part of Lot 189 of "Kenwood Subdivision of Lots 10,13,14 and 15 and all that part of Lots 11 and 12, lying Westerly of the Detroit, Grand Haven and Milwaukee Railroad, Quarter Section 38, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," as recorded in Liber 15, Page 45, Plats, Wayne County Records; (said part of lot having been taken for the widening and opening of Westminster Avenue by Recorder's Court Action on August 15, 1910; also having been widened and opened as a public street by City Council on August 30, 1910 - J.C.C. page 1262) being more particularly described 'in the resolution of necessity' as follows:

"The southerly part of Lot 189, being 3.74 feet in rear on the alley and 6.16 feet in front on Greeley Street, 'Kenwood Subdivision of Lots 10,13,14 and 15 and all that part of Lots 11 and 12, lying Westerly of the Detroit, Grand Haven and Milwaukee Railroad, Quarter Section 38, Ten Thousand Acre Tract,'" containing about 595 square feet or 0.0136 acre more or less; subject to a private easement for public utilities; and

(6) Land in the City of Detroit, Wayne County, Michigan being a southerly part of Lot 252 of "Kenwood Subdivision of Lots 10,13,14 and 15 and all that part of Lots 11 and 12, lying Westerly of the Detroit, Grand Haven and Milwaukee Railroad, Quarter Section 38, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," as recorded in Liber 15, Page 45, Plats, Wayne County Records; (said part of lot having been taken for the widening and opening of Westminster Avenue by Recorder's Court Action on August 15, 1910; also having been widened and opened as a public street by City Council on August 30, 1910 - J.C.C. page 1262) being more particu-

larly described 'in the resolution of necessity' as follows:

"The southerly part of Lot 252, being 7.22 feet in front on Greeley Street and 11.04 feet in rear on the alley, 'Kenwood Subdivision of Lots 10,13,14 and 15 and all that part of Lots 11 and 12, lying Westerly of the Detroit, Grand Haven and Milwaukee Railroad, Quarter Section 38, Ten Thousand Acre Tract,'" containing about 1,698 square feet or 0.0390 acre more or less; subject to a private easement for public utilities; and

(7) Land in the City of Detroit, Wayne County, Michigan being a part of Out Lot 7 of "Plat of Quarter Section 38 in the Ten Thousand Acre Tract," as recorded in Liber 19, Page 175, Deeds, Wayne County Records; (said part of lot having been taken for the widening and opening of Westminster Avenue by Recorder's Court Action on August 15, 1910; also having been widened and opened as a public street by City Council on August 30, 1910 - J.C.C. page 1262) being more particularly described 'in the resolution of necessity' as follows:

"All that part of Out Lot 7, lying westerly of the west right-of-way line of the Detroit, Grand Haven and Milwaukee Railroad, being 12.49 feet in width on the railroad right-of-way and 11.25 feet on the alley, 'Plat of Quarter Section 38 in the Ten Thousand Acre Tract,'" containing about 684 square feet or 0.0157 acre more or less; subject to a private easement for public utilities; and

(8) Land in the City of Detroit, Wayne County, Michigan being the northerly 25.00 feet of the easterly 155.92 feet of Out Lot 16 of "Plat of Quarter Section 38 in the Ten Thousand Acre Tract," as recorded in Liber 19, Page 175, Deeds, Wayne County Records; (said part of lot having been taken for the widening and opening of Westminster Avenue by Recorder's Court Action on August 15, 1910; also having been widened and opened as a public street by City Council on August 30, 1910 - J.C.C. page 1262); containing about 3,898 square feet or 0.0895 acre more or less; subject to a private easement for public utilities; and

(9) Land in the City of Detroit, Wayne County, Michigan being the northerly 25.00 feet of Out Lot 9 of "Plat of Quarter Section 38 in the Ten Thousand Acre Tract," as recorded in Liber 19, Page 175, Deeds, Wayne County Records; (said part of lot having been taken for the widening and opening of Westminster Avenue by Recorder's Court Action on August 15, 1910; also having been widened and opened as a public street by City Council on August 30, 1910 - J.C.C. page 1262); containing about 8,250 square feet or 0.1894 acre more or less; subject to a private easement for public utilities; and

(10) Land in the City of Detroit, Wayne County, Michigan being a part of Out Lot 8 of "Plat of Quarter Section 38 in the Ten Thousand Acre Tract," as recorded in Liber 19, Page 175, Deeds, Wayne County Records; (said part of lot having been taken for the widening and opening of Westminster Avenue by Recorder's Court Action on August 15, 1910; also having been widened and opened as a public street by City Council on August 30, 1910 - J.C.C. page 1262) being more particularly described 'in the resolution of necessity' as follows:

"The northerly 25.00 feet of Out Lot 8, lying westerly of the west right-of-way line of the Detroit, Grand Haven and Milwaukee Railroad, 'Plat of Quarter Section 38 in the Ten Thousand Acre Tract,'" containing about 1,402 square feet or 0.0322 acre more or less; subject to a private easement for public utilities; and

(11) Land in the City of Detroit, Wayne County, Michigan being parts of Out Lots 21 and 22 of "A plat and subdivision of Lots 5,6,7 and 8 in Quarter Section 42, and lots 16,17, and 18 in Quarter Section 41, and East part of Quarter Section 43 of Ten Thousand Acre Tract in Wayne County, Michigan," as recorded in Liber 1, Page 211, Plats, Wayne County Records; being more particularly described as follows:

Commencing at the northeast corner of Lot 1, "Wilkin's Subdivision of a part of Quarter Sections 58 and 59, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 59, Plats, Wayne County Records; thence northerly along the west line of Morrow Avenue (66 feet wide) extended, 107.16 feet to a point in the south line of Euclid Avenue (60 feet wide); thence easterly along the south line of Euclid Avenue, 66.00 feet; thence southerly along the easterly line of Morrow Avenue (66 feet wide) extended, 107.16 feet to the northwest corner of Lot 48 of said "Wilkin's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 59, Plats, Wayne County Records; thence westerly 66.00 feet to the place of beginning;" (said part of Out Lots 21 and 22 having been deeded to the City of Detroit for public street purposes on December 12, 1911 - J.C.C. page 1932); containing about 7,073 square feet or 0.1624 acre more or less; subject to a private easement for public utilities;

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

City Planning Commission

December 5, 1995

Honorable City Council:

Re: Resolution granting preliminary site plan approval for the Grayhaven Condominium proposal.

Attached for your consideration is the requested resolution to grant preliminary site plan approval for the Grayhaven Condominium proposal. Please note that this resolution only grants approval of the concept which has been presented to the City. That concept could be encapsulated as follows:

A 301 unit water-oriented condominium development comprised of two (2) to six (6) unit attached structures and single family detached structures occupying the remainder of Grayhaven Island and that portion of the west side of Lenox immediately east of the island.

Your Honorable Body has raised some questions regarding the proposal and the nature of the preliminary approval. CPC staff presents this report and attachments in an effort to address these issues.

"PRELIMINARY APPROVAL"

During the course of project review and analysis, many questions and concerns may arise. Sometimes a review may reveal issues that are simple in nature and easy to resolve. However, there are occasions wherein more complex issues are discovered which are a hindrance to final approval. Resolving them may require additional research or study; some may even involve the findings of other review or regulatory bodies. Resolution of these issues may ultimately have a significant effect on the financing, design or overall structure of a development proposal.

In these instances a project may be tabled until some or all of the concerns are remedied, or a developer may request a preliminary approval where the proposal is made for PD (Planned Development) zoned land. This option maintains forward progress on a proposal and provides the developer with some degree of endorsement or support from the City, which may be necessary for resolution of the issues or continuation of financial support. This approval is given with the intent and understanding that the developer will be returning with the appropriately revised documentation, seeking a final approval.

The Planning and Development Dept. and the City Planning Commission find that much of the above is true for the Grayhaven proposal as detailed in the reports of September 19 and November 22, 1995. There are various issues for which additional information and or consideration has been requested of the developer. While some of the requested information has been provided, there is some data that cannot be obtained until the Army Corps. of Engineers and the