

**Planning & Development Department**

November 18, 2005

Honorable City Council:

Re: Departmental Recommendation on Residential Alley Vacation for Petition Numbers: 307, 1316, 1744, 1776, 1899, 2465, 2553, 2785, 2915, 3143 and 3155.

The above-referenced eleven (11) petitions were presented by the Planning and Development Department (P&DD) for consideration at a public hearing before your Honorable Body on November 16, 2005. Thirteen (13) petitions were presented at this public hearing. Following public comments, two (2) petitions were put on hold, Petition No. 3027 and Petition No. 3225 respectively, the first for a sewer back-up problem in the alley area adjacent to 16261 Ohio Avenue and the second is for a follow-up report on an issue of property access for an abutting property owner. Recommendation for Petitions No. 3027 and No. 3225 will be forwarded to the City Council under a separate cover. The balance of eleven (11) petitions are those referenced above for which the City Council supports the recommendation of the Planning and Development Department. Attached herewith, is the resolution that will enable the City Council to take formal action causing the vacation of the eleven referenced petitions.

The above-referenced petitions have been processed in compliance with the Detroit Code, Article VI, Section 50-6-1. Our investigation of each of these petitions discloses the following:

1. The public utilities located in the alley can be properly served if this alley is vacated and converted into an easement.
2. These alleys are not used for municipal trash collection.
3. No objections to this alley vacation have been received from outside Utility Companies or City Departments involved.

Therefore, it is the recommendation of the Planning and Development Department that the attached resolution be approved.

Respectfully submitted,  
DOUGLASS J. DIGGS

Director of Development Activities

By Council Member Collins:

Whereas, The following petitions have been filed with the Detroit City Council, as herein described, pursuant to ordinance for the purpose of determining the advisability of this alley vacation; and

Whereas, A Public Hearing held by the City Council of Detroit, Michigan, in the Committee of the Whole Room, 13th Floor of the Coleman A. Young Municipal Center, Wednesday, November 16, 2005 at 11:00 A.M., in compliance to Section 50-6-4 of the Detroit City Code for each Residential Alley Conversion to Easement; and

Whereas, Views and comments from

concerned abutting property owners was heard and deliberated upon by the Honorable Body; NOW THEREFORE, BE IT PETITION No. 307 (2000)

CONVERSION TO EASEMENT OF THE REMAINING L-SHAPED ALLEY, IN THE BLOCK BOUNDED BY ARDMORE, STANSBURY, VASSAR DRIVE AND ST. MARTIN;

RESOLVED, All that part of the North-South public alley, 18 feet wide, lying West of and abutting the West line of Lots 2765 thru 2774, both inclusive; also, lying East of and abutting the East line of Lots 2781 thru 2790, both inclusive; also, that part of the East-West public alley, 18 ft. wide, lying South of and abutting the South line of Lot 2774; also, lying North of and abutting the North line of Lots 2775 thru 2777 and the East 11.93 feet of the North line of Lot 2778, all in the BLACKSTONE PARK SUBDIVISION #5 of the NE 1/4 of the SE 1/4 of Section 6, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 52, Page 64 of Plats, Wayne County Records;

Therefore, according to State Law, the 18 ft. wide North-South portion of the alley shall be equally divided to the abutting property owners on Ardmore and Stansbury Avenues; likewise, the easterly portion of the East-West alley shall be equally divided between lots 2774 on Stansbury and 2775 thru 2778 on Vassar Drive.

PETITION No. 1316 (1995)

CONVERSION TO EASEMENT OF THE EAST-WEST ALLEY, IN THE BLOCK BOUNDED BY ANNSBURY, PARK DRIVE, ROSEMARY AND EAST OUTER DRIVE;

RESOLVED, All that part of the East-West public alley, 18 feet wide, lying North of and abutting the North line of Lots 597 thru 611, both inclusive; also lying South of and abutting the South line of Lots 646 thru 664, both inclusive in the DAVID TROMBLY ESTATE No. 3 SUBDIVISION of the David Trombly Farm, P.C. 389, City of Detroit, Wayne County, Michigan, as recorded in Liber 45, Page 30 of Plats, Wayne County Records;

Subject alley, shall be equally divided between the abutting properties adjoining the alley and platted within the Subdivision mentioned above.

PETITION No. 1744 (1995)

CONVERSION TO EASEMENT OF THE NORTH-SOUTH ALLEY, IN THE BLOCK BOUNDED BY MENDOTA, BIRWOOD, BEUNA VISTA AND JEFFRIES FREEWAY;

RESOLVED, All that part of the North-South public alley, 16 feet wide, lying East of and abutting the East line of Lots 26 thru 35, including the South 12.34 ft. of the East line of Lot 36, inclusive, all in the GLENDALE GARDENS SUBDIVISION of the W 1/2 of the NE 1/4 of Section 29, T. 1 S., R. 11 E., Greenfield Township,

Wayne County, Michigan, as recorded in Liber 33, Page 24 of Plats, Wayne County Records; also, lying West of and abutting the West line of Lots 517 thru 526, including the South 10.88 ft. of the West line of Lot 527, all in the GLENDALE COURTS SUBDIVISION of E 1/2 of NE 1/4 of Section 29, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 35, Page 24 of Plats, Wayne County Records;

The reversionary interest in subject alley will be divided equally between Lots 26 thru 36 of Glendale Gardens Subdivision and Lots 517 thru 527 of Glendale Courts Subdivision.

PETITION No. 1776 (1995)

CONVERSION TO EASEMENT OF THE NORTH-SOUTH ALLEY, IN THE BLOCK BOUNDED BY WALTHAM, GOULBURN, LINNHURST AND EASTWOOD;

RESOLVED, All that part of the North-South public alley, 18 feet wide, lying East of and abutting the East line of Lots 20 thru 36, both inclusive; also lying West of and abutting the West line of Lots 108 thru 124, both inclusive in GRATIOT MEADOWS SUBDIVISION of the W 1/2 of the NE 1/4 of Section 11, T. 1 S., R. 12 E., City of Detroit and Gratiot Township, Wayne County, Michigan, as recorded in Liber 46, Page 57 of Plats, Wayne County Records;

Subject alley, shall be equally divided between the abutting properties adjoining the alley and platted within the same Subdivision.

PETITION No. 1899 (2003)

CONVERSION TO EASEMENT OF THE NORTH-SOUTH ALLEY, IN THE BLOCK BOUNDED BY RIVERDALE, GRAYFIELD, FENKELL AND KEELER;

RESOLVED, All that part of the North-South public alley, 16 feet wide, lying West of and abutting the West line of Lots 469 thru 482, both inclusive; also lying East of and abutting the East line of Lots 483 thru 496, both inclusive, all in B. E. TAYLOR'S BRIGHTMOOR-WOLFRAM SUBDIVISION, lying South of Grand River Avenue, being part of the W 1/2 of Section 16, T. 1 S., R. 10 E., Redford Township, Wayne County, Michigan, as recorded in Liber 45, Page 62 of Plats, Wayne County Records;

Subject alley, shall be equally divided between the abutting properties adjoining the alley and platted within the same Subdivision.

PETITION No. 2465 (2004)

CONVERSION TO EASEMENT OF THE NORTHERLY PART OF THE NORTH-SOUTH ALLEY, IN THE BLOCK BOUNDED BY CASGRAIN, CRAWFORD, W. LAFAYETTE AND ARMY AVENUE;

RESOLVED, All that northerly part of the North-South public alley, 18 feet wide and approximately 70 ft. long, lying West of and abutting the West line of Lot 1 and

Lot 2 in the KENNEDY'S SUBDIVISION of Lots 31 and 32 of the Subdivision of Crawford's Fort Tract, Springwells, Wayne County, Michigan, as recorded in Liber 22, Page 43 of Plats, Wayne County Records; also, lying East of and abutting the East line of Lots 95 and 96, both inclusive, in KAIER'S SUBDIVISION of Lots 16 to 29, Cynthia W. Crawford's Subn. of Lots 43 to 47, P.C. 268 and of Lots 1 to 17, Subn. of Lot 37 and Lots 1 to 25, Subn. of Lot 40, and alley, lying between Subdivision of Lots 36, 37, and 40, Crawford's Subn. of the Fort Tract, P.C. 268, and Lots 47 and 138 of Casgrain's Subdivision of part P.C. 268, also vacated Army Avenue lying North of Lots 46, 47 and 138 Casgrain's Subn., all lying North of Lafayette Avenue and East of Waterman Avenue, Detroit, Wayne County, Michigan, as recorded in Liber 28, Page 78 of Plats, Wayne County Records;

The reversionary interest and division of the alley parcel is guided by the State Subdivision Law. Title to the portion of the vacated alley adjacent to an owners lot vests ownership in that owner. Therefore, the East 10 feet of the alley width reverts to Lot 1 and Lot 2 of KENNEDY'S SUBDIVISION, WHILE THE REMAINING West 8 feet of said alley goes to Lots 95 and 96 in KAIER'S SUBDIVISION.

PETITION No. 2553 (1996)

CONVERSION TO EASEMENT OF THE NORTH-SOUTH AND EAST-WEST ALLEY, IN THE BLOCK BOUNDED BY PHILIP, MANISTIQUE, EVANSTON AND WADE;

RESOLVED, All that part of the North-South public alley, 18 feet wide, lying West of and abutting the West line of Lots 367 thru 386, both inclusive; also lying East of and abutting the East line of Lots 346 thru 366, both inclusive; and

ALSO RESOLVED, All that part of the East-West public alley, 18 feet wide, lying South of and abutting the South line of Lot 366 and 367, both inclusive; also lying North of and abutting the North line of Lots 64 thru 69, both inclusive in the PARK MANOR DEVELOPMENT CO.'S PARKDRIVE SUBDIVISION of Lots 1 and 2 and part of Lot 3 of Plat of Subdivision of Private Claim 696, adjoining the East line of Section 13, T. 1 S., R. 12 E., City of Detroit and Gratiot Township, Wayne County, Michigan, as recorded in Liber 45, Page 42 of Plats, Wayne County Records;

The reversionary interest and division of these alley parcels is guided by the State Subdivision Law. Both North-South and East-West vacated alleys, shall be equally divided between the abutting properties platted within the Park Manor Development Co.'s Parkdrive Subdivision.

PETITION No. 2785 (2004)

CONVERSION TO EASEMENT OF THE EAST-WEST ALLEY, IN THE BLOCK

BOUNDED BY MATHER, CENTRAL, RADCLIFFE AND SARENA AVENUES;

RESOLVED, All that part of the East-West public alley, irregular in shape, lying North of and abutting the North line of Lot 1481 and Lot 1482, both inclusive in SMART FARM SUBDIVISION of Fractional Section 9, T. 2 S., R. 11 E., and part of Private Claim 41 and 36, Springwells, Wayne County, Michigan, as recorded in Liber 34, Pages 32 and 33 of Plats, Wayne County Records; also, lying South of and abutting the South line of Lot 10, inclusive; in FRED J. McDONALD'S SUBDIVISION in Fractional Section 9, T. 2 S., R. 11 E., Wayne County, Michigan, as recorded in Liber 17, Page 36 of Plats, Wayne County Records;

The reversionary interest in subject alley in accordance with the State Law, shall be divided between the abutting properties, as delineated by the Subdivision Line dividing SMART FARM SUBDIVISION and FRED J. McDONALD SUBDIVISION.

PETITION No. 2915 (2004)  
CONVERSION TO EASEMENT OF THE NORTH-SOUTH ALLEY, IN THE BLOCK BOUNDED BY PINEHURST, MENDOTA, FULLERTON AND WEST BUENA VISTA;

RESOLVED, All that part of the North-South public alley, 16 feet wide, lying West of and abutting the West line of Lots 108 thru 132, both inclusive; also lying East of and abutting the East line of Lots 133 thru 157, both inclusive, all in GLENDALE GARDENS SUBDIVISION of the West half of the Northeast quarter of Section 29, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 33, Page 24 of Plats, Wayne County Records;

Subject alley, shall be equally divided between the abutting properties adjoining the alley and platted within the same Subdivision.

PETITION No. 3143 (2004)  
CONVERSION TO EASEMENT OF THE EAST 122 FT. OF THE EAST-WEST ALLEY, IN THE BLOCK BOUNDED BY CLIFF, PACKARD, LANTZ AND E. OUTER DRIVE;

RESOLVED, All that part of the East 122 ft. of the East-West public alley, 18 ft. wide, lying North of and abutting the North line of Lot 234, inclusive; also, lying South of and abutting the South line of Lots 235, 236 and the East 18.50 ft. of the South line of Lot 237, all in the PATTERSON BROS. AND CO. OUTER DRIVE VAN DYKE SUBDIVISION of part of the N 1/2 and SE 1/4 Section 4, T. 1 S., R. 12 E., Hamtramck Township, Wayne County, Michigan, as recorded in Liber 46, Page 89 of Plats, Wayne County Records;

Subject alley, shall be equally divided between the abutting properties adjoining the alley and platted within the same Subdivision.

PETITION No. 3155 (2004)  
CONVERSION TO EASEMENT OF THE NORTH-SOUTH ALLEY, IN THE BLOCK BOUNDED BY TOWNSEND, BALDWIN, E. LAFAYETTE AND AGNES;

RESOLVED, All that part of the North-South public alley, 20 feet wide, lying West of and abutting the West line of Lots 106 thru 126, both inclusive; also lying East of and abutting the East line of Lots 85 thru 105, both inclusive, all in the MOSES W. FIELDS SUBDIVISION of that part of P.C. 16 lying between Lafayette Street and Linden Park Avenue, Township of Hamtramck, Wayne County, Michigan, as recorded in Liber 8, Page 37 of Plats, Wayne County Records;

Subject alley, shall be equally divided between the abutting properties adjoining the alley and platted within the same Subdivision mentioned above.

RESOLVED, That the Alleys or Portions thereof described above are vacated subject to the following permanent conditions:

1. The City reserves an easement of full width for public utility purposes and other purposes.

2. No buildings, structures, improvements or encroachments of any kind (except line fences) may be placed in the easement area without prior written consent of the City Engineering Division of the Department of Public Works.

Resolved, That in accordance with MCL Section 560.256 and City Code Section 50-7-4, the City Clerk is directed to record a certified copy of this Resolution with the Wayne County Register of Deeds within thirty (30) days after the effective date of this Resolution; and be it further

Resolved, That upon the receipt of a copy of the Resolution, the City Engineer shall correct the Official City Maps and Records;

A Waiver of Reconsideration is requested.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Pro Tem. K. Cockrel, Jr. — 6.  
Nays — None.

#### **Planning & Development Department**

November 18, 2005

Honorable City Council:

Re: Extension of Development Agreement Development: 100-112 & 118 Monroe.

On May 2, 2001, (Detroit Legal News, May 7, 2001, Pg. 6), your Honorable Body authorized the sale of the above-captioned property to National Theatre, LLC, a Michigan Limited Liability Company, for the purpose of restoring the exterior façade of the theater accordance with national historic guidelines.

National Theatre, LLC, a Michigan Limited Liability Company, has informed the Planning & Development Department