

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Cushingberry, Jr., Leland, Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

March 12, 2015

Honorable City Council:

Re: Petition No. 451 — The Fraternal Civic Center, request the vacation of the 16 ft. North and South alley adjoining Lot 11 to the West and Lots 7, 8 and 9 to the East and the 18 ft. East and West alley lying between the Lots 11, 10, 9, 8, 7 and 6 to the North.

Petition No. 451 Fraternal Civic Center, Inc. request for the outright vacation of all public alleys, including any alleys previously converted to easements, in the block bounded by Watson Street, 48 feet wide, Erskine Street, 60 feet wide, Woodward Avenue, 120 feet wide and John R. Street, 60 feet wide.

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

The request is being made in order to facilitate the construction of a new 60 million dollar development on the site. The proposed development will consist of roughly 200 apartment units and 15,000 square feet of retail space.

The Detroit Water and Sewerage Department (DWSD) has reported no objections to the alley vacations as the records indicate there are no water mains or sewers in the alleys.

Planning and Development Department has reported involvement but no objection to the proposed alley vacations. The site is within the Brush Park Historical District.

AT&T is involved and provisions for removing, rerouting or grant of easement are part of the attached resolution.

Comcast Cable is involved and provisions for removing, rerouting or grant of easement are part of the attached resolution.

DTE Electrical Division reports involvement and an estimated cost of removing and/or rerouting such services are \$1,315,423.31.

Public Lighting Department (PLD) reports involvement with an ornamental street light pole and two overhead-fed streetlights in the alleys proposed for vacation. Removal of these facilities must be done at project cost; and PLD requests return of salvaged materials.

Public Lighting Authority (PLA) has not responded to the requested vacations. Provisions protecting Public Lighting facilities are a part of the attached resolution.

All other city departments and private utility companies have no involvement or no objections to the alley vacations.

I am recommending adoption of the attached resolution.

Respectfully submitted,

RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW

By Council Member Benson:

Resolved, That all public alleys, including those previously converted to easement, in the block bounded by Watson Street, 48 feet wide, Erskine Street, 60 feet wide, Woodward Avenue, 120 feet wide and John R. Street, 60 feet wide and described as: Land in the City of Detroit, Wayne County, Michigan being:

The north-south public alley, 16 feet wide, (vacated and converted to easement July 24, 1951 as recorded in Journal of Common Council page 1745) lying easterly of and adjoining the easterly line of Lots 7, 8 and 9 "Plat of the Brush Farm of Part of Park Lots 14, 15, 16 and 17 City of Detroit, made by Edmund Adelaide and Alfred Brush" as recorded in Liber 45, Page 21 Deeds, Wayne County Records, also lying westerly of and adjoining the westerly line of Lot 11 "Subdivision of Park Lots 16 and 17 and the East Half of Lot 5 of Brush's Subdivision of part of Park Lots 14, 15, 16 and 17" as recorded in Liber 8, Page 33 of Plats, Wayne County Records; also,

The east-west public alley, 18 feet wide, (part of said alley vacated and converted to easement July 24, 1951 as recorded in Journal of Common Council page 1745; also part of said alley subject to a vehicular easement as established August 22, 2013 by a Resolution approved by the Emergency Manager for the City of Detroit) lying northerly of and adjoining the northerly line of Lots 1, 2, 3, 4 and 5, also lying southerly of and adjoining the southerly line of Lots 6, 7, 8, 9, 10 and 11 "Subdivision of Park Lots 16 and 17 and the East Half of Lot 5 of Brush's Subdivision of part of Park Lots 14, 15, 16 and 17" as recorded in Liber 8, Page 33 of Plats, Wayne County Records; also,

The north-south public alley, 20 feet wide, (originally deeded to the City of Detroit for alley purposes July 24, 1951 as recorded in Journal of Common Council page 1745; also part of said alley subject to utility easement and a vehicular easement as established August 22, 2013 by a Resolution approved by the Emergency Manager for the City of Detroit) being the westerly 20 feet of the easterly 21 feet of Lot 1 "Subdivision of Park Lots 16 and 17 and the East Half of Lot 5 of Brush's Subdivision of part of Park Lots 14, 15, 16 and 17" as recorded in Liber 8, Page 33 of Plats, Wayne County Records;

Be and the same are hereby vacated

(outright) to become part and parcel of the abutting property, subject to the following provisions:

Provided, That if there is a cost for removing and/or rerouting utility installations in said requested area the petitioner and/or its assigns/heirs will pay all costs or make the necessary arrangements for payment, and further

Provided, That any water or sewer lines that were not in the Detroit Water and Sewerage Department (DWSD) records are found; it shall be the responsibility of the petitioner or their assigns to make arrangements with DWSD for removal, relocation, abandonment or grant of easement, and further

Provided, That the petitioner contact AT&T for the costs of removing and/or rerouting their services. Contact CWO at (888) 901-2779, and further

Provided, That the petitioner contact Comcast for the costs of removing and/or rerouting their services. Contact Nick Stamper at (419) 874-9262, and further

Provided, That the petitioner contact DTE Electrical Company for the costs of removing and/or rerouting their services. The estimated cost is \$1,315,423.31 and contact Kimberly A. Tassen, Right-of-Way Facilitator at (313) 235-4458, and further

Provided, That the petitioner is responsible for removal of PLD facilities including an ornamental street light pole and two overhead-fed streetlights in the alleys. Removal of these facilities must be done at project cost. Return salvaged materials to PLD. The petitioner shall co-ordinate all PLD work with Denise Williams, Senior Assistant Mechanical Engineer at (313) 267-7216, and further

Provided, That the petitioner may enter into private easement agreements with the utilities as an alternative or supplemental to the removal or relocation of the utilities, 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.

