

City Engineering Department

July 10, 1989

Honorable City Council:

Re: Petition No. 1825, Mack-Alter Square Project Phase I (Family Dollar Store). Requesting public right-of-way adjustments south of Mack between Manistique and Alter.

Petition No. 1825 of the "Detroit East Community Development Corporation" requests various public right-of-way adjustments to develop the "Mack-Alter Square (Phase I-Family Dollar Store)" south of Mack Avenue between Manistique Avenue and Alter Road.

The amended (Phase I) development plan (submitted by the Community and Economic Development Department) was approved by your Honorable Body on July 6, 1989. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The Community and Economic Development Department has agreed to set-aside City-owned parcels for the new replacement public rights-of-way necessitated by this petition. The new replacement alley, walkway(s), and (Ashland) street turnaround must be made suitable for public use.

The Community and Economic Development Department is executing a contract with the U-SNAP-BAC (United Street Networking and Planning: Building a Community) neighborhood organization.

A grant of \$60,000.00 has been allocated. These Community Development Block Grant (CDBG) funds will be used to improve the new replacement public rights-of-way and the (remaining) costs to rearrange or relocate City-owned utilities. The Community and Economic Development Department reports the allocated (block grant) funds are contained in the following cost centers:

Approp.	Cost Center	
7111	9267	\$10,000.00
7113	9738	\$50,000.00

The petitioner has deposited the following City department reimbursement cost:

Public Lighting Department (PLD) — Accounting

\$6,000.00. The estimated cost for design and materials to reroute (designated) PLD facilities; labor by private contractor.

The estimated cost of the new replacement alley, walkway(s), and (Ashland) street turnaround is \$20,000.00. (Construction permits are additional.)

The estimate of the (remaining) cost to rearrange or relocate City-owned utilities (i.e. Water and Sewerage Department, Fire Department, and Public Lighting Department) is \$22,000.00. (Construction permits are additional.)

All private contract work will be subject to the specifications, permits, and inspection of the Water and Sewerage Department, Fire Department, Public Lighting Department, and the City Engineering Department (contractor and subcontractors must obtain all necessary permits).

The petitioner has made payment arrangements (or private agreements) with Detroit Edison and Michigan Bell regarding their facilities in Phase I.

Additionally, it is necessary for the Department of Transportation to reroute their bus line (Route #31) to conform with the amended Mack-Alter Square (Phase I) development plan.

City departments and privately-owned utility companies have reported no objections to the requested (Phase I) public right-of-way adjustments. Provisions protecting utility installations are part of the resolution

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Collins:

Whereas, The "Detroit East Community Development Corporation" is undertaking a project to develop a community-owned shopping center at Mack Avenue between Philip Avenue and Alter Road, known as "Mack-Alter Square"; and

Whereas, City Council has approved (July 6, 1989) the amended "Mack-Alter Square (Phase I-Family Dollar Store)" development plan (submitted by the Community and Economic Development Department) requiring various public right-of-way adjustments south of Mack Avenue between Manistique Avenue and Alter Road; and

Whereas, the Community and Economic Development Department has agreed to set-aside City-owned land parcels for new replacement public rights-of-way necessitated by the amended (Phase I) development plan. These land parcels will allow the developer to construct on City property (by private contract; subject to City specifications, permits, and inspections) the new replacement alley, walkway(s), and (Ashland) Street turnaround for public use; and

Whereas, (In lieu of the surety bond requirement of Detroit Code Section 50, Article 7) the Community and Economic Development Department is executing a contract with the U-SNAP-BAC (United Street Networking and Planning: Building a Community) neighborhood organization to use \$60,000.00 of their allocated CDBG (Community Development Block Grant) funds. The terms of the contract will guarantee payment of costs to improve the new replacement public rights-of-way, and the (remaining) costs to rearrange or relocate City-owned utilities; therefore be it

RESOLVED, All that part of the east-west public alley, 18 feet wide, south of Mack Avenue between Ashland Avenue and Alter Road lying easterly of and abutting the east line of Ashland Avenue (60 feet wide); also lying westerly of and abutting the east line extended northerly of Lot 458 as platted in "C. B. Sherrard Subdivision" of that part of Private Claim 120, lying between the Northerly line of Kercheval Avenue and the Center Line of Mack Avenue, City of Detroit and Township of Grosse Pointe, City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 58, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property, subject to the following provision:

PROVIDED, The petitioner shall bulkhead the existing public sewer at the downstream end of the (public) sewer as required by the Water and Sewerage Department. The petitioner shall secure any necessary permits prior to construction. All costs for plan review, sewer bulkheading, inspection, and permits shall be paid by the petitioner; and be it further

RESOLVED, All that part of the east-west public alley, 18 feet wide, south of Mack Avenue between Ashland Avenue and Alter Road lying westerly of and abutting the west line of Alter Road (66 feet wide); also lying easterly of and abutting the east line extended northerly of Lot 458

as platted in "C. B. Sherrard Subdivision" of that part of Private Claim 120, lying between the Northerly line of Kercheval Avenue and the Center Line of Mack Avenue, City of Detroit and Township of Grosse Pointe, City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 58, Plats, Wayne County Records; also

All that part of the north-south public alley, 16 feet wide, south of Mack Avenue between Ashland Avenue and Alter Road lying westerly of and abutting the west line of Lot 469; also lying easterly of and abutting the east line of Lots 457 and 458 as platted in "C. B. Sherrard Subdivision" of that part of Private Claim 120, lying between the Northerly line of Kercheval Avenue and the Center Line of Mack Avenue, City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 58, Plats, Wayne County Records; also

All that part of Ashland Avenue, 60 feet wide, south of Mack Avenue lying westerly of and abutting the west line of the north 49.48 feet of Lot 458; also lying westerly of and abutting the west line of the east-west public alley, 18 feet wide (in the block bounded by Ashland Avenue, Alter Road, Charlevoix and Mack Avenues); also lying westerly of and abutting the west line of Lot 459; also lying easterly of and abutting the east line of Lot 299; also lying easterly of and abutting the east line of the east-west public alley, 18 feet wide (in the block bounded by Manistique, Ashland, Charlevoix, and Mack Avenues); also lying easterly of and abutting the east line of Lot 300, and the north 24.00 feet of Lot 301 as platted in "C. B. Sherrard Subdivision" of that part of Private Claim 120, lying between the Northerly line of Kercheval Avenue and the Center Line of Mack Avenue, City of Detroit and Township of Grosse Pointe, City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 58, Plats, Wayne County Records;

Be and the same are hereby vacated as public street and alleys and are hereby converted into a public subsurface easement of the full width of the street 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 said street 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 a subsurface easement or right-of-way over said vacated public street and alleys herein above described for the purposes of maintaining, installing, repairing, removing, or replacing underground public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or things usually placed or installed in a public street or alley in the City of Detroit, with the right in ingress and egress at any time to and over said easement for the purpose above set forth.

SECOND, said subsurface utility easement or right-of-way in and over said vacated street 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, or any utility facility placed or installed in the subsurface 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 subsurface utility easement with any

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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 further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or drive-ways, or retaining walls (except necessary line fence, and other approved surface parking lot construction associated with the "Mack-Alter Square Project, Phase I-Family Dollar Store") shall be built or placed upon said subsurface easement, nor any change of surface grade made, without prior approval of the City Engineering Department.

FOURTH, That if the owners of said vacated street and alleys shall request the removal and/or relocation of any utilities in said subsurface 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 an event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and

PROVIDED, That if it becomes necessary to remove the paved street return (into Mack Avenue) or the paved alley return (into Alter Road) at the entrances, such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, their heirs or assigns; and be it further

RESOLVED, All that part of the east-west public alley, 18 feet wide, south of Mack Avenue between Manistique and Ashland Avenues lying westerly of and abutting the west line of Ashland Avenue (60 feet wide); also lying easterly of and abutting the west line extended northerly of Lot 300 as platted in "C.B. Sherrard Subdivision" of that part of Private Claim 120, lying between the Northerly line of Kercheval Avenue and the Center Line of Mack Avenue, City of Detroit and Township of Grosse Pointe, City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 58, Plats, Wayne County Records:

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of said alley and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public 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 alley herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above-mentioned 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 further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or drive-ways, retaining or partition walls (except necessary line fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the City Engineering Department.

FOURTH, that if the owners of said vacated alley 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 changes 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 an event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and be it further

RESOLVED, The following described City-owned properties are hereby dedicated for new replacement public rights-of-way:

(1) Land Dedication for Public Alley and Pedestrian Walkway; South of Mack, West of Alter.

Land in the City of Detroit, Wayne County, Michigan, being all of Lot 455 as platted in "C.B. Sherrard Subdivision" of that part of Private Claim 120, lying between the Northerly line of Kercheval Avenue and the Center Line of Mack Avenue, City of Detroit and Township of Grosse Pointe, as recorded in Liber 32, Page 58, Plats, Wayne County Records;

(2) Land Dedication for Pedestrian Walkway; South of Mack, East of Ashland.

Land in the City of Detroit, Wayne County, Michigan, being all of Lot 471 as platted in "C.B. Sherrard Subdivision" of that part of Private Claim 120, lying between the Northerly line of Kercheval Avenue and the Center Line of Mack Avenue, City of Detroit and Township of Grosse Pointe, as recorded in Liber 32, Page 58, Plats, Wayne County Records;

(3) Land Dedication for Ashland Public Street Turnaround; South of Mack, West of Ashland.

Land in the City of Detroit, Wayne County, Wayne County, Michigan, being the south 26.00 feet of Lot 302, and all of Lot 303 as platted in "C.B. Sherrard Subdivision" of that part of Private Claim 120, lying between the Northerly line of Kercheval Avenue and the Center Line of Mack Avenue, City of Detroit and Township of Grosse Pointe, as recorded in Liber 32, Page 58, Plats, Wayne County Records; and be it further

RESOLVED, The Community and Economic Development Department is hereby authorized and directed to draft, execute, and administer the (above-referenced \$60,000.00 CDBG funds) contract with U-SNAP-BAC and the petitioner for and on behalf of the City of Detroit (to guarantee payment of all expenses to improve, suitable for public use by City Engineering Department standard specifications for paving and related construction, the above described new replacement public rights-of-way; also to collect the costs incurred by the Water and Sewerage Department, Fire Department, Public Lighting Department, and the City Engineering Department for the rearrangement or relocation of City-owned utilities, including fees for inspections and permits as required). The Law Department shall approve the contract as to form and execution, after which the contract shall be considered confirmed; and

PROVIDED, All work (i.e., public rights-of-way and utility rearrangement/relocation) performed by the petitioner or their private contractor shall be subject to the specifications, permits, and inspection of the Water and Sewerage Department, Fire Department, Public Lighting Department, and the City Engineering Department (contractor and subcontractors shall obtain all necessary permits); and be it further

RESOLVED, The Department of Transportation is hereby directed to reroute their bus line (Route #31) to conform with the amended Mack-Alter Square Phase I development plan approved by City Council on July 6, 1989; and further

PROVIDED, A certified copy of this resolution and the executed contract between the City of Detroit and U-SNAP-BAC shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

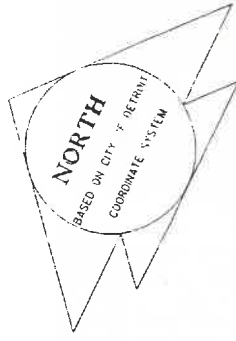
Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples and President Henderson — 7.

Nays — None.

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PETITION NO. "1825
 MACK ALTER PROJECT
 C/O FRANK CORLE A.J.A.
 (313) 885 1837

THIRD REVISION



- REQUESTED AREA FOR CONVEYANCE TO SUBSIDIARY EASEMENT (RELOCATION OF UTILITY POLES AND OR WIRE)
- REQUESTED AREA FOR EASEMENT VALUATION
- REQUESTED AREA FOR DEDICATION (ALLEY & WALKWAY)
- REQUESTED AREA FOR DEDICATION (STREET)
- REQUESTED AREA FOR CONVEYANCE TO PUBLIC EASEMENT

C.B. SHERRARD SUB'N
 CARTO NO. 63A
 DRWG. NO. X-1825
 DATE: 4/17/89