

Honorable City Council:

Re: Petition No. 831. Uptown Land Development Corporation and Henry Ford Health System. "Henry Ford Health and Fitness Center Site" Alley to Vacate in the block bounded by Third, Second, Milwaukee and W. Grand Blvd.

Petition No. 831 of "Uptown Land Development Corporation and Henry Ford Health System" requests the (outright) vacation of the north-south public alley, 20 feet wide, in the block bounded by Third, Second and Milwaukee Avenues, and West Grand Boulevard. The petitioner(s) are developing the site to open a ten million dollar health and fitness center in the New Center by summer 1996.

The requested vacation was approved by the Planning and Development Department. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

On April 19, 1978 (J.C.C. pages 1003-4), the city vacated part of the east-west public alley, 20 feet wide, in the block. This eliminated the alley outlet into Second Avenue. On September 27, 1978 (J.C.C. page 2486), land was dedicated for the north-south public alley, 20 feet wide, outlet into W. Milwaukee Avenue.

Fire fighting equipment must maintain access to the development site. Therefore, the petitioners have offered to re-open the east-west public alley, 20 feet wide, outlet into Second Avenue.

The City Engineering Division — DPW has consulted with the Law Department. The Law Department has drafted a document that protects the interests of the city and allows the development plan to proceed. Henry Ford Health System (HFHS) submitted an executed copy of the agreement to the city. The HFHS agreement is part of the public alley vacation resolution.

The city is owner in fee of the north-south public alley, 20 feet wide, in the block. The public alley was acquired by deed on September 27, 1978 (J.C.C. page 2486). Therefore, the Finance Director must execute a quit-claim deed to transfer a part of vacated public right-of-way to Henry Ford Health System.

Satisfactory arrangements have been made with the Detroit Edison Company. All other city departments and privately owned utility companies have reported no objections to the requested (outright) vacation.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer  
City Engineering Division — DPW

By Council Member Cockrel:

Resolved, All that part of the easterly 20.00 feet of Lot 19, Block 2, of "Moran and Moross Subdivision of part of Sections 31 and 36, Town 1 South, Range 11 and 12 East, and part of Baker and Forsyth Farms," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 15, Plats, Wayne County Records (said part of lot having been deeded to the City of Detroit for public alley purposes on September 27, 1978 — J.C.C. page 36);

and the same is hereby (outright) vacated as a public alley to become part and parcel of the abutting property; subject to the following terms and condition(s):

### Declaration of Offer to Dedicate Alley and

**Grant of Temporary Access Easement**  
THIS DECLARATION AND GRANT is made as of August 1, 1995, by Henry Ford Health System, a Michigan non-profit corporation, whose address is 1 Ford Place, Detroit, MI 48202 ("Declarant").

#### Recitals:

A. Declarant is the owner of certain property in the City of Detroit located within the block bounded by West Grand

Boulevard, Second Avenue, Milwaukee Avenue, and Third Avenue, including lot D and lots 18-21 and the southerly ten feet of Lot 14 (as expanded by virtue of the vacation of the abutting east-west alley on April 19, 1978, JCC pp 1003-04) of Block Two of the Moran and Moross Subdivision of part of Sections 31 and 36, T. 1 S., R. 11 and 12 E., and part of Baker and Forsyth Farms, as recorded in Liber 8, Page 15 of Plats, Wayne County Records.

B. The easterly 20 feet of Lot 19 was dedicated as a public alley on September 27, 1978 as set forth in J.C.C. p. 2486.

C. Declarant's predecessor in interest to the property described above petitioned the Detroit City Council on November 3, 1994, Petition No. 831, to vacate the public alley described in Recital B.

D. As a condition to granting the petition to vacate, the City of Detroit requires access at all times between Milwaukee Avenue and the portion of the alley not vacated for fire fighting equipment.

E. Declarant has agreed to grant to the City of Detroit a temporary easement across the easterly part of Lot D and the westerly part of Lot 18 for access for fire fighting equipment.

F. Declarant has offered to dedicate to the City of Detroit for a public alley the land upon which the vacated alley described in Recital A, above, formerly was located, acceptance of which by the City is conditioned upon satisfaction by Declarant of certain conditions as set forth below.

NOW, THEREFORE, Declarant declares and grants as follows:  
1. Affirmation of Vacation Petition. Declarant, adopts and affirms as its own Petition No. 831 of Uptown Land Development Corporation dated November 3, 1994, to vacate the alley described in Recital B.

2. Temporary Access Easement. Declarant grants to the City of Detroit a temporary easement for access of the City's fire fighting equipment between Milwaukee and the east-west alley located between Milwaukee and West Grand Boulevard. The easement shall be located on the eastern edge of Lot D and the western edge of Lot 18 along a direct path between Milwaukee and the east-west alley, northerly of the existing curb cut in Milwaukee, as generally shown in the survey/site plan prepared by Hubbell, Roth & Clark, Inc., Job No. 95299, June 1995, on file with the City of Detroit City Engineer. Declarant shall keep such easement area free of vehicles and other obstructions at all times. Declarant agrees that the City of Detroit shall not be liable to Declarant for use of the easement or for any damage to the easement area occasioned by the City's use of the easement. The easement shall remain in existence until the City of Detroit has accepted the proffered dedication of the east-west alley as set forth in the following paragraph.

3. Offer of Dedication of Alley. In order to re-establish the vacated east-west alley, Declarant offers to dedicate to the City of Detroit, and petitions the City of Detroit to accept, the following property as a public alley:

The northerly ten (10) feet of Lot 21, and the southerly ten (10) feet of Lot 14, as enlarged by virtue of the vacation of the adjacent alley on April 19, 1978 (J.C.C. pp. 1003-04), of Block Two of the Moran and Moross Subdivision of part of Sections 31 and 36, T. 1 S., R. 11 and 12 E., and part of Baker and Forsyth Farms, as recorded in Liber 8, Page 15 of Plats, Wayne County Records.

Declarant acknowledges and agrees that acceptance of the offered dedication is conditioned upon the satisfaction of the following requirements:

a. Declarant shall prepare the surface of the land in accordance with the City of Detroit's standards for the design and construction of alleys, as determined and verified by an inspection by the City after construction.

b. If required by the City Engineer pursuant to Detroit City Code Section 50-7-1, Declarant shall post security for \$24,000

cost to construct the alley as estimated by the City of Detroit's Street Design Bureau.

c. Declarant warrants to the City of Detroit title to the property described above. The City's Law Department shall have concluded that Declarant possesses the appropriate rights, title, and interest in the property to convey title to the City. If required by the City, Declarant shall provide a deed of dedication.

d. All requirements of the City's Ordinance 29-94, Detroit City Code Sections 2-1-11 through 2-1-15 shall have been satisfied.

e. The City's acceptance of the dedication shall be indicated only by resolution of City Council and acceptance by the Mayor or his designee, as described in City Code Section 2-1-12.

f. This offer of dedication shall be irrevocable.

IN WITNESS WHEREOF, Declarant has made this declaration as of the date set forth above.

WITNESS: DECLARANT  
Henry Ford Health System,  
a Michigan non-profit  
corporation

Lorie A. Uranga By: Thomas F. McNulty  
Signature: Signature:

David B. Lee Its: Treasurer  
Signature:

STATE OF MICHIGAN )  
 )ss.  
COUNTY OF WAYNE )

The foregoing instrument was acknowledged before me on August 1, 1995, by Thomas F. McNulty, the Treasurer of Henry Ford Health System, a Michigan non-profit corporation, on behalf of the corporation.

Diana L. Pessina

Signature:

Notary Public, Macomb County, MI

My commission expires: 7-30-99

\*Acting in Wayne Co., MI

This Instrument Drafted by and when

recorded, return to:

Timothy A. Beckett

City of Detroit Law Department

1010 City-County Building

Detroit, Michigan 48226

Exempt from transfer taxes pursuant to

MCL §207.505(a) and MCL §207.526(a);

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 (following approval by the Law Department) to issue a quit-claim deed to transfer the following vacated public (alley) right-of-way to "Henry Ford Health System, a Michigan non-profit corporation, whose address is One Ford Place, Detroit, MI 48202" for the fair market value and/or other valuable considerations:

"Land in the City of Detroit, Wayne County, Michigan being the easterly 20.00 feet of Lot 19, Block 2, of "Moran and Moross Subdivision of part of Sections 31 and 36, Town 1 South, Range 11 and 12 East, and part of Baker and Forsyth Farms," City of Detroit, Wayne County Michigan as recorded in Liber 8, Page 15 Plats, Wayne County Records (said part of lot having been deeded to the City of Detroit for public alley purposes on September 27, 1978 — J.C.C. page 2486); containing 3,866 square feet or 0.0887 acre more or less;"

Adopted as follows:  
Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scofield, Tinsley-Williams, and President Mahaffey — 9.  
Nays — None.

PETITION NO. 831  
 UPTOWN LAND DEVELOPMENT CORPORATION  
 485 W. MILWAUKEE AVE., DET., MI. 48202  
 C/O CHARLOTTE IRWIN, PROPERTY MANAGEMENT SERVICES  
 PHONE: (313)556-3797



*August 1, 1995*  
*VAC App 2139-41*

\* NOTE: E/W PUBLIC ALLEY 20 FT. WD. MUST BE RESTORED TO CITY SPECIFICATIONS.



REQUESTED ALLEY DEDICATION \*



REQUESTED OUTRIGHT ALLEY VACATION

MORAN & MOROSS SUB'N  
 WEBER'S SUB'N

FOR OFFICIAL USE ONLY

SCALE: 1" = 100'  
 CARTO. NO. 31-E

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
J. FOSTER					
DATE		APPROVED			
2/11/95					

REQUESTED OUTRIGHT VACATION OF THE N/S ALLEY  
 20 FT. WD. AND DEDICATION OF E/W 20 FT. WD.  
 EASEMENT FOR NEW ALLEY OUTLET ALL IN THE BLOCK  
 BOUND BY THIRD, SECOND, E. MILWAUKEE & E. GRAND  
 BLVD.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X831.DGN