

July 31, 1996  
Department Of Public Works  
City Engineering Division

July 25, 1996

Honorable City Council:

Re: Petition No. 1580. Bethany Presbyterian Manor, Presbyterian Villages of Michigan Alley to Vacation in the block bounded by LaSalle, 14th, Pingree and Blaine

Petition No. 1580 of "Presbyterian Villages of Michigan" requests the (outright) vacation of an easterly part of the east-west public alley, 18 feet wide, in the block bounded by LaSalle Boulevard, 14th, Pingree and Blaine Avenues. A three story, 52 unit senior housing building is planned for the site.

City Council has approved the following resolutions for the project:

(a) City-owned land sale — August 2, 1995 (J.C.C. page 2075); and

(b) PD zoning — September 20, 1995 (J.C.C. pages 2377-79); and

(c) Intent to vacate part of public alley — October 6, 1995 (J.C.C. page 2518); and

(d) Easement Agreement #95-12 [DWSD] — January 24, 1996 (J.C.C. pages 179-80).

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

The homeowner at 2257 Blaine requires two-way public alley access to an existing garage. A "resolution of intent" submitted by the Planning and Development Department to City Council (adopted on October 6, 1995) indicates a plan to dedicate land for a north-south public alley, 20 feet wide, outlet into Pingree. The new public alley must be constructed to city specifications.

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. "Presbyterian Villages of Michigan" has submitted an executed copy of the agreement to the city. The "Presbyterian Villages of Michigan" agreement is part of the public alley vacation resolution.

Four utility services within the public alley have reported costs. They are the Ameritech/Michigan Bell Telephone Company, Comcast Cablevision, Detroit Edison Company, and the Water and Sewerage Department. Arrangements to reroute or adjust utilities are complete. 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 Engineering Division — DPW

By Council Member Scott:

Whereas, City Council has approved the following resolutions for the "Bethany Presbyterian Manor" Project, a three story, 52 unit senior housing building by Presbyterian Village of Michigan, a Michigan nonprofit corporation:

(a) City-owned land sale- August 2, 1995 (J.C.C. page 2075); and

(b) PD zoning — September 20, 1995 (J.C.C. pages 2377-79); and

(c) Intent to vacate part of public alley — October 6, 1995 (J.C.C. page 2518); and

(d) Easement Agreement #95-12 [DWSD] — January 24, 1996 (J.C.C. pages 179-80); and

Whereas, The City Engineering Division — DPW has reviewed a modified request to outright vacate an easterly part of the east-west public alley, 18 feet wide, in the block bounded by LaSalle Boulevard, 14th, Pingree and Blaine Avenues; purpose to construct said Bethany Presbyterian Manor. There are at least twelve other homeowners along Blaine and Pingree Avenues. Petition No. 1580 is unilateral and does not contain the written consent of other owners along Blaine and Pingree Avenues. The homeowner at 2257 Blaine requires two-way public alley access to an existing garage. Also, the new public alley must be constructed to city specifications; and

Whereas, 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. "Presbyterian Villages of Michigan" has submitted an executed copy of the agreement to the city; therefore be it

Resolved, All that part of the east-west alley, 18 feet wide, in the block bounded by LaSalle Boulevard, Fourteenth, Pingree and Blaine Avenues lying southerly of and abutting the south line of Lots 263 thru 268; also lying northerly of and abutting the north line of Lots 196 thru 201 of "Austin's Subdivision of part of Quarter Section 47, of the Ten Thousand Acre Tract," City of Detroit, Wayne County, Michigan as recorded in Liber 30, Page 45, Plats, Wayne County Records;

Be 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 December 11, 1995, by Bethany Presbyterian Manor, as successor to Presbyterian Villages of Michigan, both of which are Michigan nonprofit corporations with address at 25300 West Six Mile Road, Redford Twp, MI 48240 ("Declarant").

Recitals:

A. Declarant is the owner of certain property in the City of Detroit located within the block bounded by LaSalle, Blaine, Pingree, and Fourteenth pursuant to a deed received from the City of Detroit which is recorded in Liber 28320, Page 387 of Wayne County Records.

B. In the deed to Declarant, the City of Detroit reserved an easement for a twenty foot wide alley over the westerly 20 feet of Lot 194 of "Austin's Sub'n of part of 1/4 Section 47, 10,000 Acre Tract", Greenfield Township (Now City of Detroit) recorded in Liber 30, Page 45, Wayne County Records, as set forth in Exhibit A.

C. The City of Detroit petitioned the Detroit City Council in June, 1995, Petition No. 1580, to vacate the portion of the 18 foot wide public alley directly abutting lots 196 through 201, and lots 263 through 268, of Austin's Sub'n of Part of 1/4 Section No. 47 of the 10,000 Acre Tract, recorded in Liber 30, Page 45 of Plats, Wayne County Records, as depicted in the map attached as Exhibit B.

D. On October 6, 1995, the City of Detroit City Council adopted a resolution vacating the portion of the public alley described in Recital C subject to and upon satisfaction of certain conditions including the review and report by the City Engineering Division of the City of Detroit Department of Public Works ("City Engineering") in accordance with § 50-7-1 et seq. of the Detroit City Code. The resolution was recorded October 6, 1995 in Liber 28382, Page 957 of Wayne County Records.

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E. As a condition to recommending approval of the petition to vacate, in accordance with §§ 50-7-1 — 50-7-4 of the Detroit City Code, City Engineering has required that Declarant submit this Declaration.

F. Declarant has offered to dedicate to the City of Detroit for a public alley the land described in Recital B, above, 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 Petition No. 1580 to vacate the alley described in Recital C.

2. Offer of Dedication of 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 westerly 20 feet (20') of lot 194 of Austin's Sub'n of Part of 1/4 Section No. 47 of the 10,000 Acre Tract, recorded in Liber 30, Page 45 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 City Engineering's standards for the design and construction of alleys, as determined and verified by an inspection by City Engineering after construction.

b. If required by City Engineering pursuant to Detroit City Code Section 50-7-1, Declarant shall post security for \$23,000 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, provided, however that the offer of dedication shall be revoked if all of the owners of property abutting the east-west alley within the block bounded by Pingree, Blaine, LaSalle and Fourteenth Street consent to the vacation of the east-west alley, and that alley is vacated.

SIGNATURES: MESSRS. MYERS, DEN-  
SON AND KERNEL

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

WITNESSES: DECLARANT

Presbyterian Villages of  
Michigan, a Michigan  
Non-Profit Corporation

Bonita V. Gilchrist By: Roger L. Myers,  
Signature: President

Qoraun Calhoun

Signature:

STATE OF MICHIGAN )

)ss

COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me on this 11th day of December, 1995, by ROGER L. MYERS, President, PRESBYTERIAN VILLAGES OF MICHIGAN, a Michigan Non-Profit corporation, on behalf of the Corporation.

VERONICA G. BEASLEY  
SIGNATURE:

Notary Public, Wayne County,

My commission expires: 2-14-99

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 when it becomes necessary to remove the paved alley return at its entrance (into Fourteenth Avenue), 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 [Bethany Presbyterian Manor, as successor to Presbyterian Villages of Michigan, both of which are Michigan nonprofit corporations with address at 25300 West Six Mile Road, Redford Twp, MI 48240] 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.

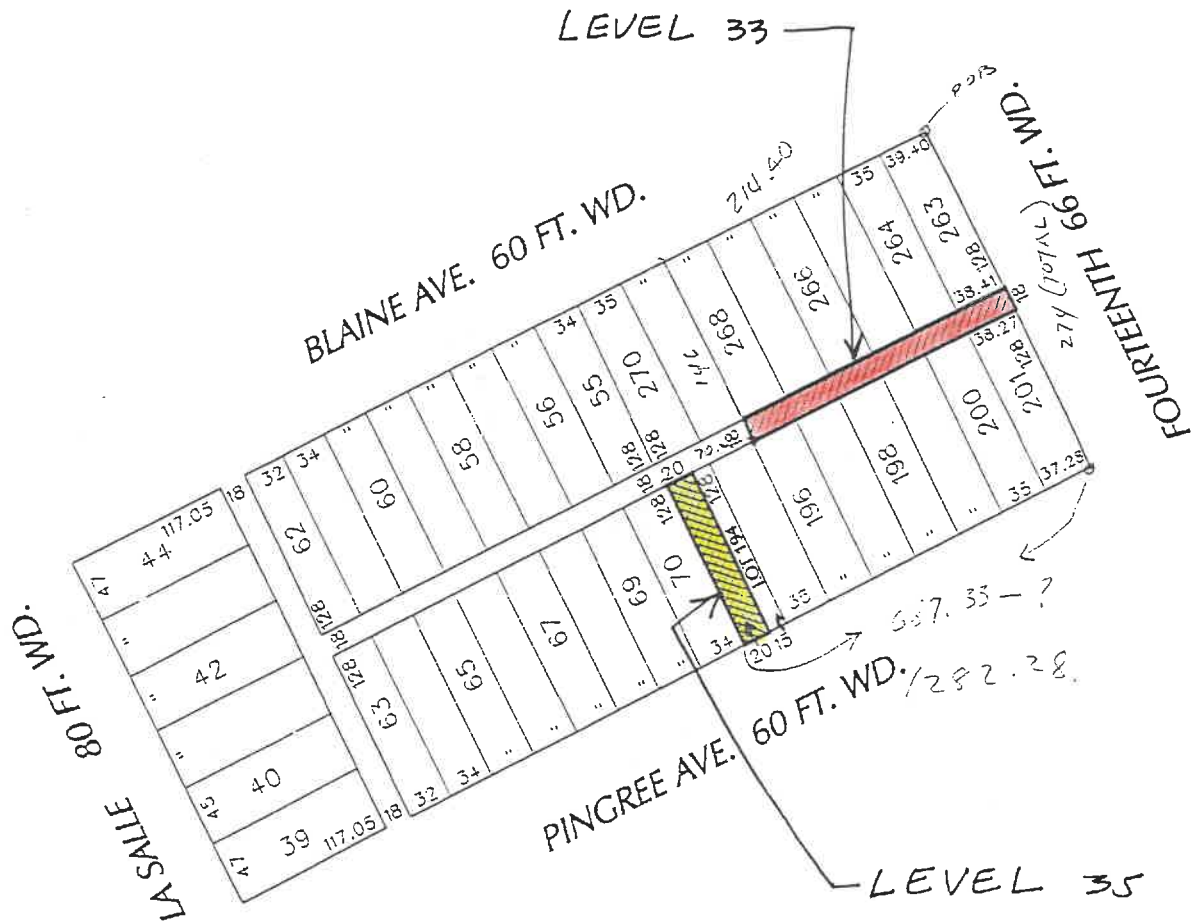
Adopted as follows:

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

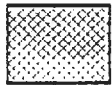
Nays — None.

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PETITION NO. 1580  
 PRESBYTERIAN VILLAGE PROJECT  
 PLANNING AND DEVELOPMENT DEPARTMENT  
 C/O RUSSELL KRAMER  
 PHONE: 313.224.1700



REQUESTED OUT-RIGHT VACATION (LEVEL 33)



REQUESTED DEDICATION (LEVEL 35)

AUSTINS SUB'N

*Jan. 24, 1996*  
*J.C.C. 179-180*

INTENT

FOR OFFICE USE ONLY

*July 31, 1996*  
*JCC pp. 1809-1811*

CARTO. NO 22-F

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
DRAWN BY		CHECKED			
DATE		APPROVED			
09/18/95					

REQUESTED OUT-RIGHT VACATION OF A PORTION OF THE E/W ALLEY 18 FT. WD. AND THE DEDICATION OF THE WEST 20 FT. OF LOT 194 FOR A NEW PUBLIC ALLEY OUTLET, ALL IN THE BLOCK BND. BY, LA SALLE, 14TH, PINGREE AND BLAINE.

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CITY OF DETROIT CITY ENGINEERING DIVISION / DPW SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X1580.DGN