

Department of Public Works
City Engineering Division

November 23, 1998

Honorable City Council:

Re: Petition No. 0878 [1995] Eastside Transitional Center Lakewood Manor Development Project Alley to Easement northerly part of the north-south public alley south of Kercheval between Newport and Lakewood.
Petition No. 3641 [1997] Eastside Transitional Center Lakewood Manor Development Project Requesting city acceptance of deed for new east-west public alley into Lakewood in the block bounded by Newport, Lakewood, E. Jefferson and Kercheval.

City Council adopted several resolutions associated with the plan of "MHT Housing, Inc. — Eastside Transitional Center. Below is a partial list:

- July 26, 1995 — J.C.C. pages 1985-89 [PD Zoning; prepared by City Planning Commission]; and

- August 4, 1995 — J.C.C. pages 2093-94 [Tax Exemptions; prepared by Finance-Assessors]; and

- August 4, 1995 — J.C.C. pages 2168-69 [Intent to Vacate Public Alley; prepared by Law Department];

This allowed the site to be developed with "Lakewood Manor" (address: 1441 Lakewood Avenue at Kercheval), a new 4-story transitional housing facility with 30 independent units for homeless women and their children.

Petition No. 0878 [1995] together with Petition No. 3641 [1997] of "Eastside Transitional Center" requests the conversion of a northerly part of the north-south public alley, 20 feet wide, lying southerly of Kercheval Avenue, between Newport and Lakewood Avenues into a private easement for public utilities; also the petition(s) request city acceptance of land prepared and deeded by "Eastside Transitional Center" for an east-west public alley, 20 feet wide, into Lakewood Avenue.

"Eastside Transitional Center" must pay all expenses to make the deeded property suitable for public use. Private contract construction must meet city specifications. City Engineering Division-DPW received a deed from "Eastside Transition Center Limited Dividend Housing Association Limited Partnership" on April 16, 1998.

City Engineering Division-DPW will forward "Eastside Transitional Center" land title transfer documents to the Law Department. The Law Department must conclude that "Eastside Transitional Center" possesses the appropriate rights, title, and interest in property to convey land to the city. If your Honorable Body approves, then the attached resolution will become effective after City Council receives a report from the Law Department.

As directed within Detroit Code and the "resolution of intent" adopted by City Council on August 4, 1995 (J.C.C. pages 2168-69), City Engineering Division-DPW is responsible to conduct a utility review. This is our report:

"Eastside Transitional Center" plans to use the paved alley return entrance (into Kercheval Avenue) and requests such remain in its present status. "Eastside Transitional Center" shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI,
City Engineer

By Council Member S. Cockrel:

Whereas, City Council adopted several resolutions associated with the plan of "MHT Housing, Inc. — Eastside Transitional Center". This is a partial list:

- July 26, 1995 — J.C.C. pages 1985-89 [PD Zoning; prepared by City Planning Commission]; and August 4, 1995 — J.C.C. pages 2093-94 [Tax Exemptions; prepared by Finance-Assessors]; and August 4, 1995 — J.C.C. pages 2168-69 [Intent to Vacate Public Alley; prepared by Law Department];

This allowed the site to be developed with "Lakewood Manor" (address: 1441 Lakewood Avenue at Kercheval), a new 4-story transitional housing facility with 30 independent units for homeless women and their children; and

Whereas, Petition No. 0878 [1995] together with Petition No. 3641 [1997] of "Eastside Transitional Center" requests the conversion of a northerly part of the north-south public alley, 20 feet wide, lying southerly of Kercheval Avenue, between Newport and Lakewood Avenues into a private easement for public utilities; also the petition(s) request city acceptance of land prepared and deeded by "Eastside Transitional Center" for an east-west public alley, 20 feet wide, into Lakewood Avenue; and

Whereas, "Eastside Transitional Center" acquired all of Lot 59, Block 3, of "Skinner and Moore's Subdivision of that part of the West half of Private Claim 31 lying between Jefferson Avenue and Lafferty Road and Lots 2, 4 and 5 of the Subdivision of Private Claim 219, Grosse Pointe (Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 16 of Plats, Page 58, Wayne County Records. Also, "Eastside Transitional Center" paid the costs to construct the south 20.00 feet of said lot suitable for public alley use. City Engineering Division-DPW received a deed from "Eastside Transition Center Limited Dividend Housing Association Limited Partnership" on April 16, 1998; therefore be it

Resolved, All of a northerly part of the north-south public alley, 20 feet wide, south of Kercheval Avenue between Newport and Lakewood Avenues lying westerly of and abutting the west line of the north 10.00 feet of Lot 59, the south 0.95 feet of Lot 63, and Lots 60 through 62 (Block 3); also lying easterly of and abutting the east line of the north 5.86 feet of Lot 60, the south 5.09 feet of Lot 64, and Lots 61 through 63 (Block 2) of "Skinner and Moore's Subdivision of that part of the West half of Private Claim 31 lying between Jefferson Avenue and Lafferty Road and Lots 2, 4 and 5 of the Subdivision of Private Claim 219, Grosse Pointe (Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 16 of Plats, Page 58, Wayne County Records;

Be and the same is hereby vacated as part of public alley and is hereby converted into a private easement for public utilities 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 the lots abutting on 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,

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Adjourned Session

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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 and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, (except necessary line fence; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division-DPW.

Fourth, that if the owners of any lots abutting on 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 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 event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

Provided, That if it becomes necessary to remove the paved alley return at the entrance (into Kercheval 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 "Eastside Transitional Center", 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; and be it further

Resolved, That the deed from "Eastside Transitional Center Limited Dividend Housing Association Limited Partnership" conveying property to the City of Detroit, a Michigan municipal corporation is hereby accepted for public alley purposes; described as follows:

Land in the City of Detroit, Wayne County, Michigan being the south 20.00 feet of Lot 59, Block 3, of "Skinner and Moore's Subdivision of that part of the West half of Private Claim 31 lying between Jefferson Avenue and Lafferty Road and Lots 2, 4 and 5 of the Subdivision of Private Claim 219, Grosse Pointe (Township)," as recorded in Liber 16 of Plats, Page 58, Wayne County Records; subject to the following provision:

Provided, The Law Department must conclude that "Eastside Transition Center Limited Dividend Housing Association Limited Partnership" possesses the appropriate rights, title, and interest in property to convey said land to the city. This resolution shall become effective after City Council receives a recommendatory report from the Law Department.

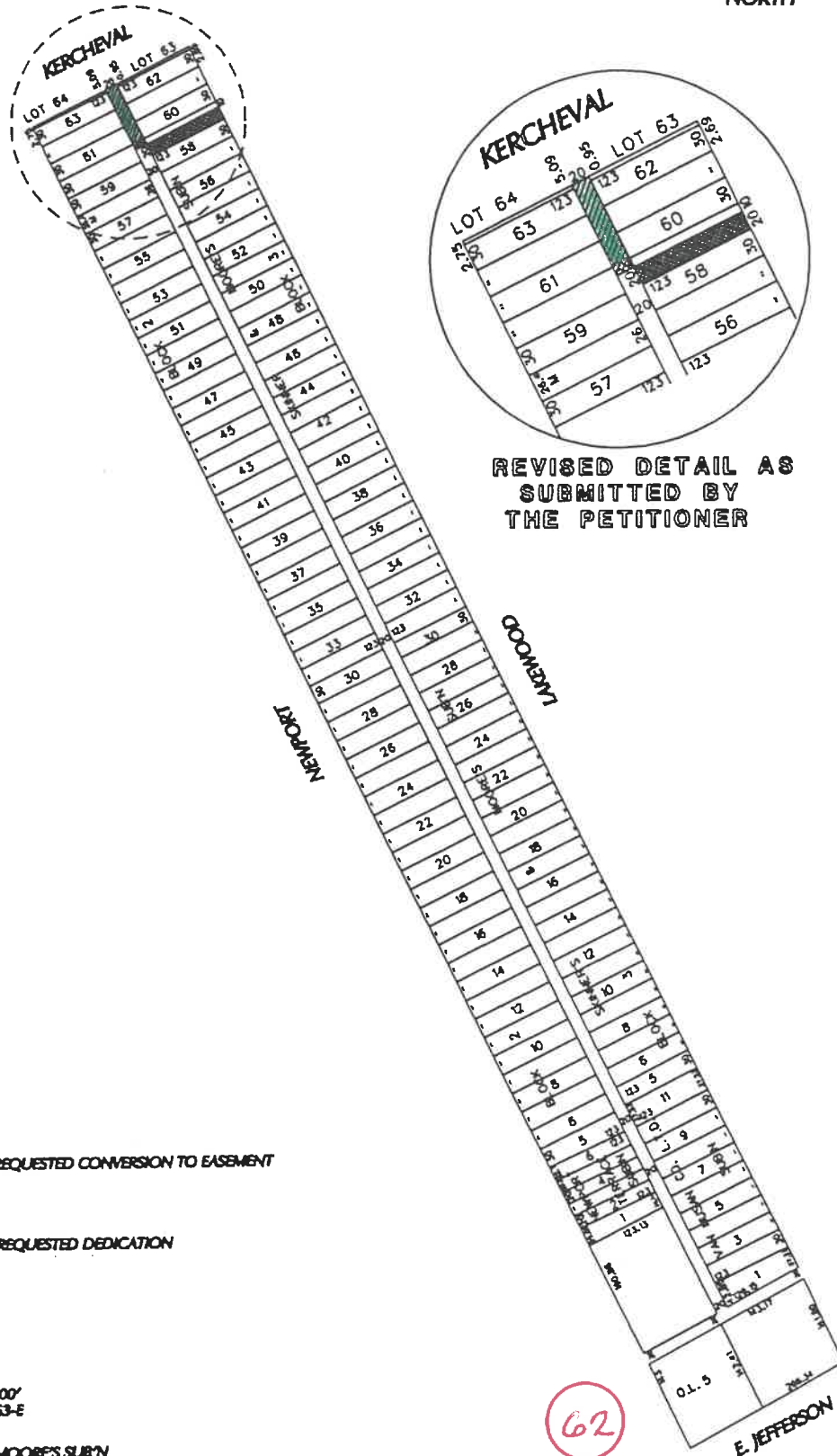
Adopted as follows:

Yeas — Council Members K. Cockrel, Jr., S. Cockrel, Hood, Scott, Tinsley-Williams, and President Hill — 6.

Nays — None.

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PETITION NO. 878
 EASTSIDE TRANSITIONAL CENTER, INC.
 REV. ANN JOHNSON, PRESIDENT
 C/O ANNE L. DANOSKY, MHT HOUSING, INC.
 PHONE: (810)352-0380



FOR OFFICIAL USE ONLY				
B				
A	ally dedication lot 38	jlf		7/83
DESCRIPTION		BY	CHKD	DATE
ELEVATIONS				
DRAWN BY		CHECKED		
DATE		APPROVED		
2/3/95				
REQUESTED CONV. TO EASEMENT OF A PORTION OF THE NIS PUBLIC ALLEY 20 FT. WD. AND THE DEDICATION OF THE SOUTH 20 FT. OF LOT 60 (BLOCK 2) FOR NEW ALLEY OUTLET, ALL IN THE BLK BND BY NEWPORT, LAKEWOOD, E. JEFFERSON AND KERCHEVAL.				
CITY OF DETROIT				
CITY ENGINEERING DEPARTMENT				
SURVEY BUREAU				
JOB NO. 01-01				
DRWG. NO. X878.DCN				