

Department of Public Works  
City Engineering Division  
June 28, 1999

Honorable City Council:

Re: Petition No. 883 - A.F. Jonna Development Co., requesting the vacation of the north-south public alley and a portion of the east-west public alley; Also, the dedication of land for new alley outlet, all in the area of Gratiot and E. Seven Mile.

Petition No. 883 of "A. F. Jonna Development Company" requests the vacation (outright) of the north-south public alley, 15 feet wide, and a portion of the east-west public alley, 16 feet wide, and the dedication of land to the City of Detroit for alley purposes, in the block bounded by Gratiot Avenue, East Seven Mile Road, Maddelein Avenue and Monarch Avenue in order to prepare the land for the construction of a new Rite Aid store.

The planned development has the approval of 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.

In order to deed property for public alley right-of-way to the city, the City Engineering Division-DPW (CED) must obtain a warranty deed (for and on behalf of the city) and the Council must accept a deed of privately owned land for public alley purposes. The fee owner must submit the following information to the CED:

- 1) A properly executed "warranty" deed: (the fee owner must contact an attorney or realtor. If the fee owner is a corporation, then include an original of a resolution of "Corporate authority" to convey land from the corporate-owner of the "City of Detroit".)
- 2) Proof of lien-free ownership; (Note: the city reserves the right to require a title policy at the fee owner's expense.)
- 3) Proof of paid Wayne County taxes.
- 4) Proof of paid Detroit property taxes.
- 5) Proof of compliance with the requirements of Detroit Ordinance No. 29-94, Detroit Code Sections 2-2-11 through 2-1-15, also known as the "Environmental Review Guidelines."
- 6) Deposit of funds and/or bond to pay all expenses for improvements to make the deeded property suitable for public use. The construction cost must be determined by the City Engineering Division - Street Design Bureau.

A concrete public alley can be constructed by private contract. If the developers desire to construct the concrete public alley by private contract, it is necessary to address a letter to the City Engineering Division-DPW agreeing to bear all costs. Their contractor(s) work must meet standard city specifications. Such work will require plan approval by the division's Street Design Bureau. Their contractor(s) must secure City Engineering Division permits for backfill inspection prior to public alley construction. The developers must deposit the estimated cost (or submit a surety bond) for a refundable account to guarantee

public alley construction in the event of petitioner default. The city retains the deposited funds (or bond) until public alley construction is completed; subject to the inspection and approval of the City Engineering Division.

Documents, funds, and/or bond (itemized as 1 thru 6 above) can be submitted to the City Engineering Division-DPW. This division will forward land title documents to the Law Department. Satisfactory arrangements have been made with the Detroit Water and Sewerage Department, The Public Lighting Department, The Detroit Edison Company and Comcast Cablevision of Detroit.

An appropriate resolution is attached for consideration by your Honorable Body.

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

By Council Member Tinsley-Talabi:

WHEREAS, In adopting this Resolution, the City of Detroit (the City) has relied on information and materials submitted and provided by "A. F. Jonna Development Company" and to the extent any such information or materials are deemed by the City to be false, inaccurate, incomplete, or misleading, then the City desires to reserve the right to amend, rescind, modify or otherwise limit this Resolution; therefore be it

RESOLVED, All of the north-south public alley, 15 feet wide, and a portion of the east-west public alley, 16 feet wide, in the block bounded by Gratiot Avenue, Monarch Avenue, Maddelein Avenue and East Seven Mile Road lying easterly of and abutting the east line of lots 1 thru 8, both inclusive, and lying easterly of and abutting the east line of the south 12 feet of vacated Maddelein Avenue (vacated by the Highway comms. of the Twp. of Gratiot on June 5, 1922 and recorded on August 24, 1922 in Liber 1617 of Page 211 of deeds); Also, that portion of the east-west public alley lying northerly of and abutting the north line of lots 9 thru 13, both inclusive, all in "Gratiot Park Subdivision" of part of Sec. 1, T. 1S., R. 12 E., Gratiot Township, Wayne County, Michigan, as recorded in Liber 32, Page 66 of Plats, Wayne County Records;

Be and the same is hereby vacated as a public (alley) right-of-way to become part and parcel of the abutting property; and further

PROVIDED, That the petitioner shall relocate and construct water mains and lateral sewers and make the connections to the existing water mains and public sewers as required by the Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed buildings; and further

PROVIDED, That the plans for the water mains and lateral sewers shall be prepared by a registered engineer; and further

PROVIDED, That (DWSD) be and is hereby authorized to review the drawings for the proposed water mains and lateral sewers and to issue permits for the con-

struction of same; and further

PROVIDED, That the entire work is to be performed in accordance with the plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

PROVIDED, That the entire cost of the water main and lateral sewer construction, including inspection, survey and engineering shall be borne by the petitioner; and further

PROVIDED, That the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

PROVIDED, That the petitioner shall grant to the City a satisfactory easement for the water mains and lateral sewers; and further

PROVIDED, That the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; and further

PROVIDED, That upon satisfactory completion of the water main and lateral sewer construction, the water mains and the sewers shall be City property and become part of the City system; 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 warranty deed of "A. F. Jonna Development Company", deeding land to the City of Detroit for a new alley outlet into Maddelein Avenue, being described as follows:

Land in the City of Detroit, County of Wayne, State of Michigan, being the east 20 feet of lot 41 and that 20 feet part of vacated Maddelein Avenue (vacated by the Highway Comms. of the Twp. of Gratiot on June 5, 1922 and recorded on August 24, 1922 in Liber 1617, Page 211 of deeds) as platted in "Gratiot Park Subdivision" of part of Sec. 1, T. 1 S., R. 12 E., Gratiot Township, Wayne County, Michigan, as recorded Liber 32, Page 66 of Plats, Wayne County Records, containing 2,300 square feet or 0.0528 acres more or less;

Be and the same is hereby accepted, and the Finance Director is hereby authorized and directed to record the deed with the Wayne County Register of Deeds; subject to the following provisions:

PROVIDED, The petitioner "A. F. Jonna Development Company" shall construct and improve the deeded property (meaning make suitable for public use, i.e., stone and grade; also a concrete alley approach into Maddelein Avenue). Such public alley construction shall be done under City permit and inspection according to the City Engineering Division-DPW specifications with all costs borne by the petitioner, their heirs or assigns; and

PROVIDED FURTHER, The petitioner shall maintain in perpetuity (without an expiration date) an approved surety bond in the amount of \$2,500.00. This bond assures the City of Detroit will have funds to pay its construction and labor costs in the event of petitioner's default. Also, the

DATE JULY 28, 1999

J.C.C. PAGE(S)

2174-2176

PETITION No. 883

petitioner cannot obtain a release from the bond until the new replacement (deeded) public alley is completed, inspected (under permits), and approved by the City Engineering Division-DPW.

RESOLVED, The City in adopting this Resolution has relied on information and materials submitted and provided by A. F. Jonna Development, Co., and to the extent any information or materials are deemed by the City to be false, inaccurate, incomplete, or misleading, then the City reserves the right to amend, rescind, modify or otherwise limit this Resolution.

Adopted as follows:

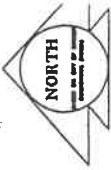
Yeas — Council Members Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 6.

Nays — None.

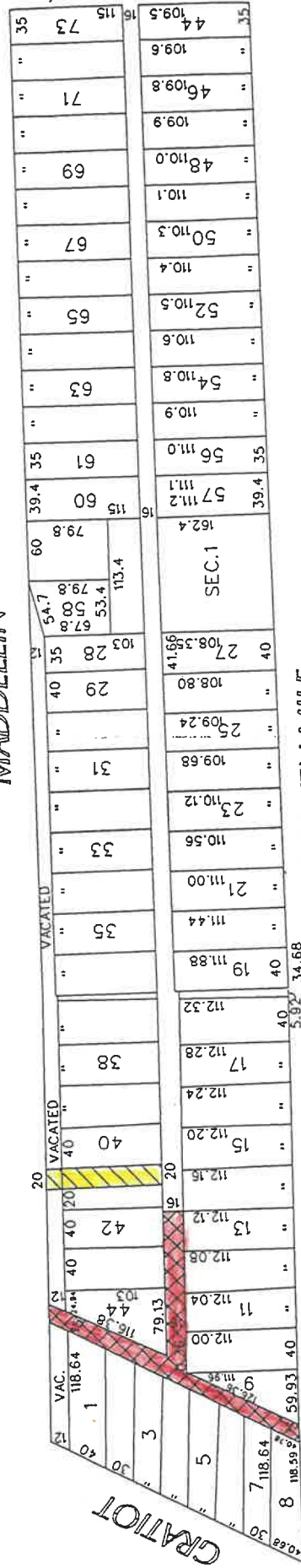
DATE JULY 28, 1999

J.C.C. PAGE(S) 2174 - 2176

PETITION NO. 0883  
 A.F. JONNA DEVELOPMENT CO.  
 2555 S. TELEGRAPH RD.  
 SUITE 443  
 BLOOMFIELD HILLS MI 48302  
 TO JEFF SIMON  
 PHONE NO. 248.745.0076



MADDELEIN



GRATIOT PARK SUB'N

94 E & F



REQUESTED DEDICATION



REQUESTED OUT-RIGHT VACATION

NO.	DESCRIPTION	DATE	BY	DATE
1	REVISION			
2	REVISION			
3	REVISION			
4	REVISION			
5	REVISION			
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35	REVISION			

(FOR OFFICE USE ONLY)

REQUESTED OUT-RIGHT VACATION OF THE NS 15 FT. WD. AND A EASTERLY PORTION OF THE EW 16 FT. WD. PUBLIC ALLEY  
 BLOCK BND. BY GRATIOT, MONARCH, MADDELEIN AND EAST SEVEN MILE.  
 ALSO A DEDICATION OF THE EAST 20 FT OF LOT 41 FOR A ALLEY OUTLET.

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU  
 JOB NO. 01-01  
 DRAWING NO. X0883.DGN