

City of Detroit

OFFICE OF THE CITY CLERK

City Eng.

Jackie L. Currie
City Clerk

Vernon C. Allen
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

January 6, 1999

To: The Department or Commission Listed Below

From: Jackie L. Currie
Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within the usual time limit.

PUBLIC WORKS DEPARTMENT- CITY ENGINEERING DIVISION/

1101 **Central United Methodist Church**, requesting vacation of commercial alley in the area E. of Woodward and Adams.

↑ NO consent problem



1,101

LAW OFFICES OF
BARNES, KISSELLE, RAISCH, CHOATE,
WHITTEMORE & HULBERT, P.C.

PATENT, TRADEMARK, COPYRIGHT AND
RELATED INTELLECTUAL PROPERTY LAW
3500 PENOBSCOT BUILDING
645 GRISWOLD STREET
DETROIT, MICHIGAN 48226-4217

TELEPHONE (313) 962-4790
TELEFAX (313) 962-0158

PRESCOTT M. HULBERT
1865-1961
LAURENCE J. WHITTEMORE
1871-1946
STUART C. BARNES
1885-1968
JOHN M. KISSELLE
1894-1980
ARTHUR RAISCH
1902-1991
ROBERT A. CHOATE
1912-1998

BASIL C. FOUSSIANES
WILLIAM H. GRIFFITH
WILLIAM J. WAUGAMAN
WILLIAM H. FRANCIS
ROBERT C. COLLINS
MATTHEW J. SCHMIDT

December 8, 1998

The Hon. City Council
1340 City-County Building
Detroit, MI 48226



Dear Honorable Council Members:

Re: Petition to Vacate an Alley
Subject to Public Utility Easements

Central United Methodist Church, of 23 E. Adams Street, Detroit, Michigan 48226 hereby petitions to vacate, subject to public utilities easements and with the understanding that no structures will be erected thereon, the alley designated on the attached Plat of Williams. The Church owns in fee simple the property on both sides of this alley.

More specifically, this alley extends due East of Woodward Avenue for approximately 83.82 feet, has a width of 12.98 feet, and is between Lots 1 through 4 and a portion of Lot 5 on the South side and Lot 24 on the North side, all of which lots are owned in fee simple by Central United Methodist Church.

Central United Methodist Church seeks vacation, subject to public utility easements of this alley solely for the purpose of rearranging the layout and access to its parking lot.

If this Petition is granted, this alley will continue to be used to provide ingress from Woodward Avenue to the Central United Methodist Church parking lot. This will not result in any dead end alley.

The Hon. City Council
December 8, 1998
Page 2

If you have any questions regarding this matter, please contact either William Francis at (313) 962-4790 or William Rutt at (313) 259-5732.

Yours very truly,



WHF:sal

William H. Francis
On behalf of the Board of Trustees
of Central United Methodist Church



= property owned by Central United Methodist Church.

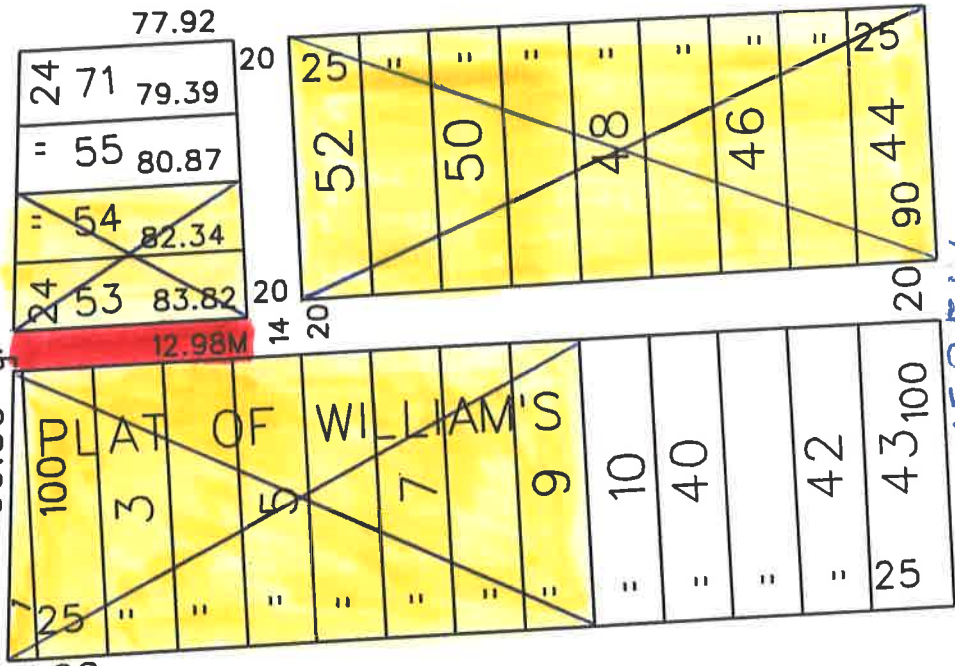
= alley to be vacated subject to public utilities easement.

ELIZABETH

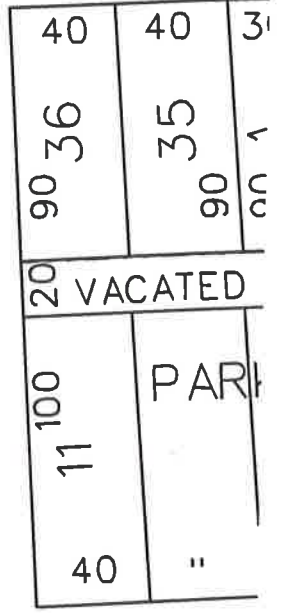
WOODWARD

N. 28° -12'W

47'-48" E



WITHERELL
60 FT. WD.



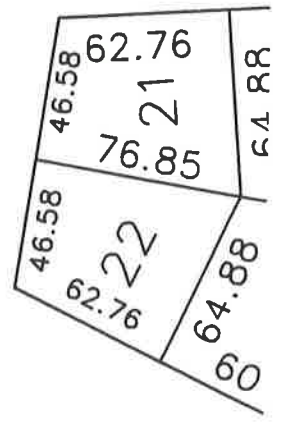
ADAMS

SURFACE ENCROACHMENT
J.C.C. PGS. 2072-2074
JULY 30, 1997

GRAND CIRCUS PARK

'42

ST.





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PUBLIC WORKS DEPARTMENT- CITY ENGINEERING DIVISION/

NOT WITH CONSENT
D. Det. Wayne County Stadium
3) Peter Giles
1100 Central United Methodist Church, requesting vacation of commercial alley in area S. of Elizabeth and Witherell St.

Carto - 28A

assessor - #357

Sanborn - Vol. 3, pg 5

Subd. - Plat of Williams Park Lots

1, 2, 3 & 4

Contact person - William H. Francis

Phone: (313) 962-4790 or William Pratt.

Fax: (313) 962-0158

200 City-County Building • Detroit, Michigan 48226-3400
(313) 224-3260 • Fax: (313) 224-1466



1,100

1988 85 007
-CITY COUNCIL-

LAW OFFICES OF
BARNES, KISSELLE, RAISCH, CHOATE,
WHITTEMORE & HULBERT, P.C.

PATENT, TRADEMARK, COPYRIGHT AND
RELATED INTELLECTUAL PROPERTY LAW

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1912-1998

December 8, 1998

The Hon. City Council
1340 City-County Building
Detroit, MI 48226

Dear Honorable Council Members:

Re: Petition to Vacate an Alley
Subject to Public Utility Easements

Central United Methodist Church, of 23 E. Adams Street, Detroit, Michigan 48226 hereby petitions to vacate, subject to public utilities easements and with the understanding that no structures will be erected thereon, the alley designated on the attached Plat of Williams.

As shown on the enclosed plat map, this is generally an L-shaped alley which runs South from Elizabeth about 90 feet and then turns due East and runs about 225 feet to Witherell Street.

The Church owns in fee simple most, but not all, of the property on both sides of this alley. Namely, the Church owns Lots 1 through 9, and Lots 44 through 54 as indicated on the enclosed map. The Church will try to identify and seek the consent of the owners of the remaining lots bounding this alley.

RECEIVED
JAN 22 1999
CITY ENGINEERING DIV.-DPW
CITY OF DETROIT

The Hon. City Council
December 8, 1998
Page 2

If this Petition is granted, the Church will use this area solely as part of a surface parking lot and subject to access control gates there will be both an entrance and an exit at Witherell and an entrance and exit at Woodward Avenue. In the interim, while Witherell is closed, the Stadium Authority has agreed in principle to provide an entrance and exit from East Adams Street across Lot 41 and a portion of Lot 42 of the Plat of Williams. Thus, emergency vehicles and any vehicles need for repair and servicing of the public utilities will always have access thereto.

If you have any questions regarding this matter, please contact either William Francis at (313) 962-4790 or ~~William Rutt~~ at (313) 259-5732.

Yours very truly,



William H. Francis
On behalf of the Board of Trustees
of Central United Methodist Church

WHF:sal



= property owned by Central United Methodist Church



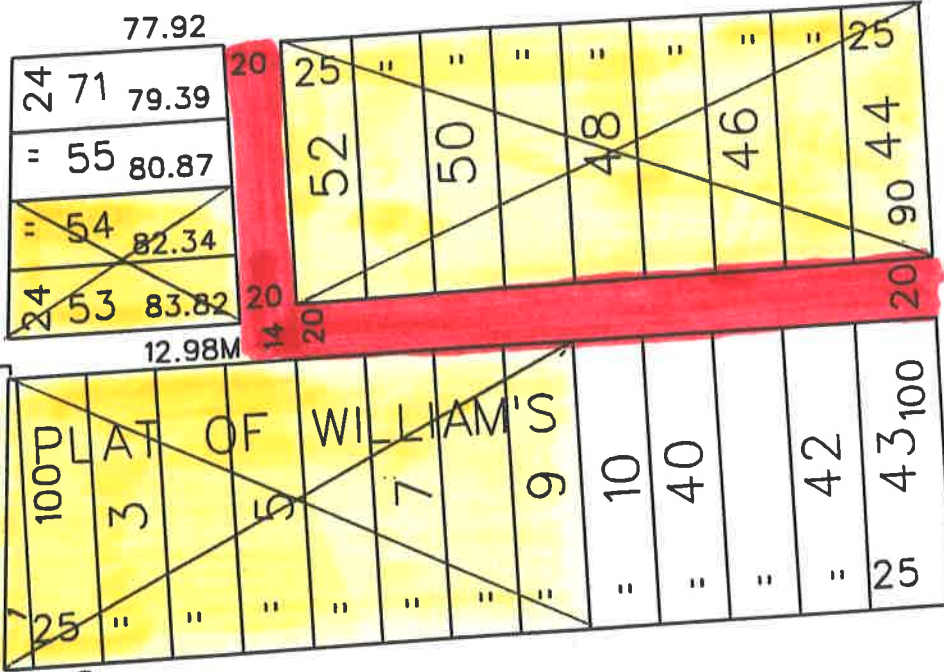
= alley to be vacated subject to public utilities easement

ELIZABETH

WOODWARD

N. 28° -12'W

47'-48"E



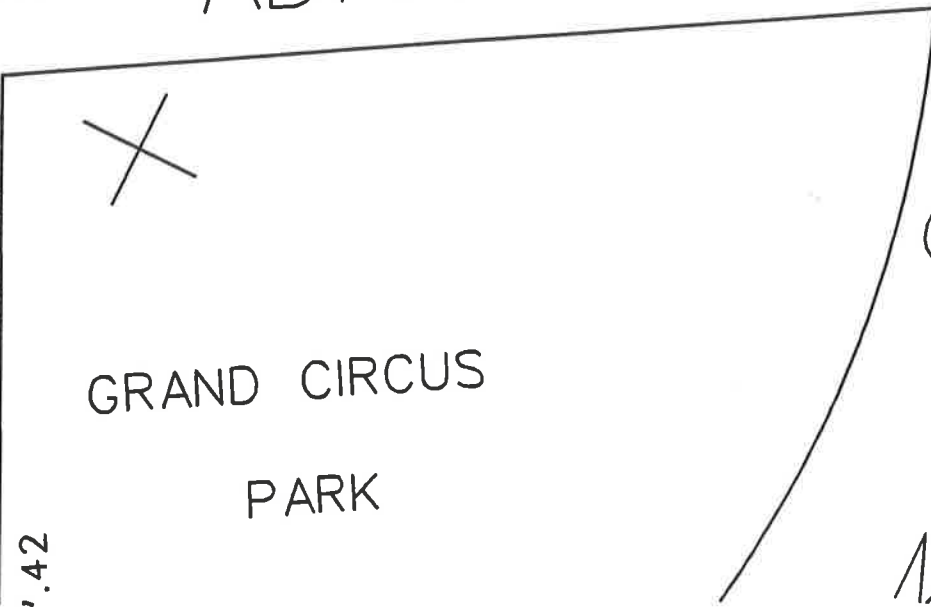
WITHERELL

60 FT. WD.

90	36	40	40	3
20	VACATED			
11	100		PARK	
40	"			
90	35	40	90	3

ADAMS

SURFACE ENCROACHMENT
J.C.C. PGS. 2072-2074
JULY 30, 1997



46.58	62.76	46.58	62.76
62.76	22	76.85	21
64.88	60	64.88	60

Date: April 17, 2000

HONORABLE CITY COUNCIL:

RE: Petition No. 1100 & 1101 – Central United Methodist Church, requesting vacation of commercial alleys in the block bounded by Woodward, Elizabeth, Adams and Witherell.

Petition No.'s 1100 & 1101 of "Central United Methodist Church", at 23 E. Adams Street, Detroit, Michigan, 48226 request the conversion of all the alleys, 14 & 20 feet wide in the block bounded by Woodward, Elizabeth, Adams and Witherell into private easements for public utilities.

The requested conversion(s) have been approved by the Solid Waste Division – DPW and the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The petitioner plans to use the paved alley return entrances (into Woodward, Elizabeth and Witherell), and requests such remain in its present status. Central United Methodist Church shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

The Detroit/Wayne County Stadium Authority and the Detroit Tigers, Inc., as concerned property owners, have no objections to the requested alley vacations.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,

William Talley / For

Sunday Jaiyesimi, City Engineer
City Engineering Division – DPW

JDF: jdf

Cc: Stephanie R. Green, Interim Director – DPW
Gerarda McCarthy, Mayor's Office

BY COUNCIL MEMBER: _____

RESOLVED, All of the east-west public alley, 14 & 20 feet wide and the north-south public alley, 20 feet wide, in the block bounded by Woodward Avenue, 120 ft. wd., Witherell Avenue, 60 ft. wd., East Adams Avenue, 50 ft. wd. And East Elizabeth Avenue, 50 ft. wd.; the east-west alley described as lying northerly of and abutting the north line of lots 1 – 10, both inclusive, lots 40 – 43, both inclusive and lying southerly of and abutting the south line of lots 44 – 53, both inclusive; also, the north-south alley described as lying easterly of and abutting the east line of lots 53, 54, 55 and 71 and lying westerly of and abutting the west line of lot 52 as platted in “Plat of Williams Park Lots 1, 2, 3 and 4 as made and adopted by the Commissioners for the Partition of the Estate of John R. Williams” (referred to in their Partition) and their report duly filed, City of Detroit, 1857, as recorded in Liber 1, Page 39, Plats, Wayne County Records;

Be and the same is hereby vacated as public alley(s) and is hereby converted into private easement(s) for public utilities of the full width of the alley(s), which easement(s) 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(s) 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(s) 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(s) 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 task, 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, 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(s) 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,

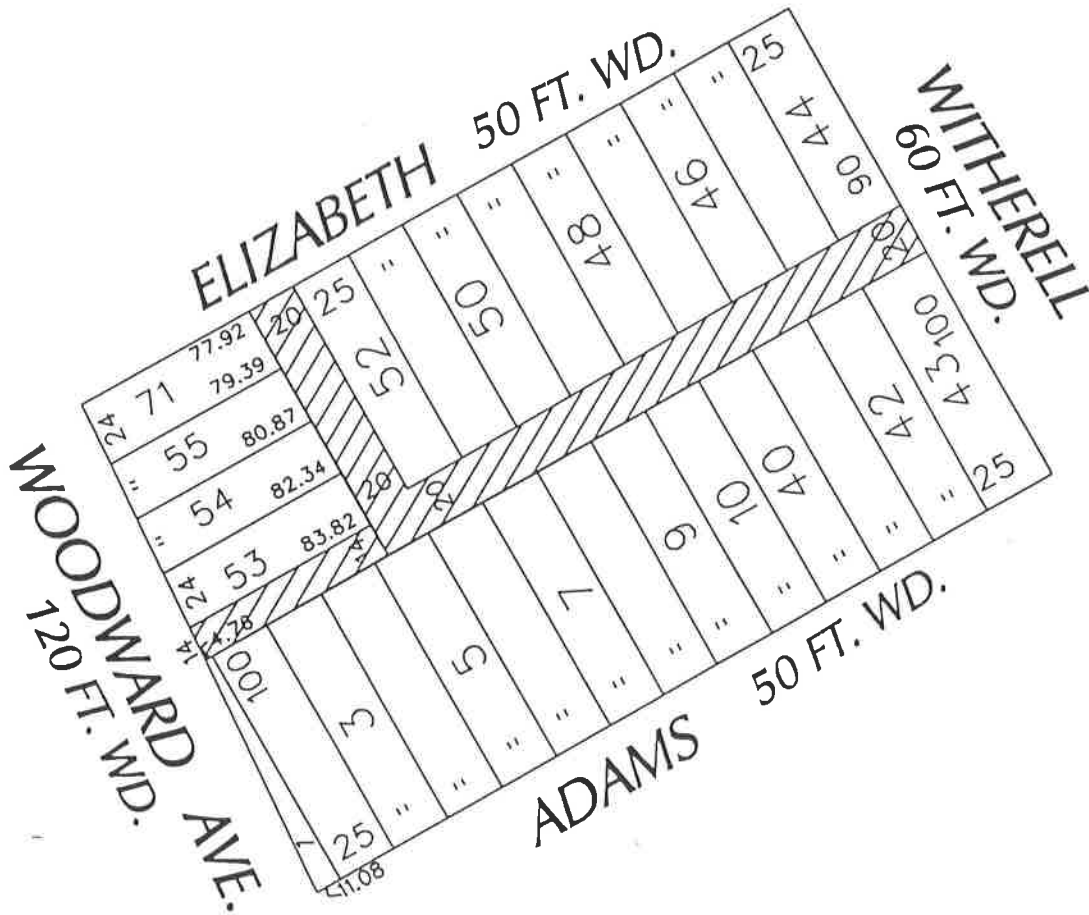
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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(s) at the entrances (into Woodward, Elizabeth and Witherell), 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 the abutting owner(s), their heir or assigns; and be it further

PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds

PETITION No. 1100 & 1101
 CENTRAL UNITED METHODIST CHURCH
 c/o WILLIAM H. FRANCIS
 3500 PENOBSCOT BUILDING
 645 GRISWOLD ST.
 DETROIT, MI 48226-4217

PHONE: (313) 962-4790
 FAX: (313) 962-0158



REQUESTED CONVERSION
 TO EASEMENT

CARTO 28A

PLAT OF WILLIAMS PARK
 LOTS 1, 2, 3 & 4

(FOR OFFICE USE ONLY)

SCALE: N.T.S.

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	LGS	CHECKED	JDF		
DATE	2-16-99	APPROVED			

REQUESTED CONVERSION TO EASEM'T
 OF THE N-S AND E-W ALLEYS (20 & 14 FT. WD.)
 IN THE BLOCK BOUNDED BY ADAMS,
 WITHERELL, ELIZABETH, & WOODWARD
 AVENUE(S)

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X1100.DGN