

DICKINSON
WRIGHT^{PLLC}

014357

October 11, 1999

2050

WLT
JF

525 N. WOODWARD AVE., SUITE 2000
BLOOMFIELD HILLS, MI 48304-2970
TELEPHONE: (248) 433-7200
FACSIMILE: (248) 433-7274
<http://www.dickinson-wright.com>

99 OCT 29 AM 11:30

PAUL FITZPATRICK
pfitzpat@dickinson-wright.com
(248) 433-7222

Via Facsimile

The Honorable City Council
City of Detroit
City-County Building
2 Woodward Avenue, Room 200
Detroit, MI 48226

11 57 66 100 11

--CITY CLERK--

Re: Proposed Arbor-CVS Drugstore at Warren and Brush

PETITION TO VACATE ALLEY

This is a petition to vacate the alley running east-west between John R and Brush Streets, and parallel to and just south of Warren Avenue. The alley is parallel to and north of East Hancock. I am submitting this Petition on behalf of the developer, Warren & Brush Development Company, L.L.C.. The alley would be vacated as part of the construction of an Arbor-CVS drugstore on the southwest corner of Warren and Brush directly north of the alley.

The project has proceeded through to completion in the City's Site Plan Review Program headed up by Robert Davenport at the Planning and Development Department, and Bob is fully conversant with details of the project and the alley's proposed vacation. (He can be reached at (313) 224-6543). James Foster ((313) 224-3970) of DPW's City Engineering Division is also familiar with the project and the proposed alley vacation. The Buildings and Safety Engineering Department has already issued permits for construction. The alley would remain open to traffic and no buildings or structures would obstruct the right-of-way.

We are pursuing this Petition at the City's direction. DPW's Traffic Engineering Division expressly required that the developer formally petition the City for vacation of this alley. All of the property owners abutting the alley have consented to its vacation. Their written consents are attached hereto.

C o u n s e l l o r s A t L a w

DETROIT BLOOMFIELD HILLS LANSING GRAND RAPIDS WASHINGTON, D.C.

The Honorable City Council
October 11, 1999
Page 2

DICKINSON WRIGHT PLLC

The president of Warren & Brush Development is Todd Wyett ((248) 352-2454), and the architect is F. Matthew ("Matt") Ray ((248) 643-8993).

If you have any questions about the project, please call me, Matt Ray or Todd Wyett directly.

Very truly yours,


Paul Fitzpatrick

PF/gaf
Enclosure

BLOOMFIELD 25659-1 307543

C o u n s e l l o r s A t L a w

DETROIT BLOOMFIELD HILLS LANSING GRAND RAPIDS WASHINGTON, D.C.

**WAYNE STATE
UNIVERSITY**
Finance and Administration

Senior Vice President for Finance
and Administration and Treasurer Office
5700 Cass, Suite 4900
Detroit, Michigan 48202
(313) 577-5580
(313) 577-2338 Fax

September 27, 1999

Mr. Todd A. Wyett, Manager
Warren & Brush Development Co., L.L.C.
20300 Civic Center Drive, Suite 301
Southfield, Michigan 48076

VIA FACIMILE

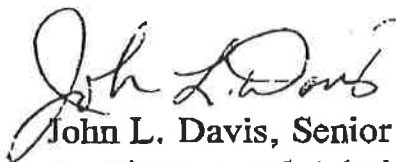
Dear Mr. Wyett:

Attached is the consent that was requested to show support for the "vacation" of the alley that runs east and west between John R and Brush Streets parallel to and just south of the Warren alley. As you will note, the consent and support is predicated upon the alley remaining open for vehicular and pedestrian traffic.

If the City holds a public hearing regarding your request to vacate the alley, please notify my office. We would be pleased to attend and lend our support.

Good Luck with your project.

Sincerely,



John L. Davis, Senior Vice President
for Finance and Administration

JLD/ff

Attachment

c: Mike Ellicott, Assistant Vice President, FP&M

Postnet	Date	# of pages
Fax NOLA R7673	10/6	1
To	TODD WYETT	
Fax	248 352-2117	
From	JOE GRAF	
Phone	313 578-2451	



Wayne State University

The Detroit Medical Center

Construction and Real Estate Department

October 5, 1999


Mr. Todd A. Wyett
Warren & Brush Development Co. L.L.C.
20300 Civic Center Drive, Suite 301
Southfield, MI 48076

Re: Vacating alley which runs east and west between John R and Brush Streets parallel to and just south of Warren Avenue in Detroit.

Dear Mr. Wyett:

Pursuant to our discussion of several days ago regarding the vacating of the alley referenced above, I am responding on behalf of the Detroit Medical Center ("DMC") as follows. The DMC would agree to the vacation if an easement is granted to the DMC for access to and from its parcel across the vacated alley area and all maintenance of the alley including snow removal and asphalt / concrete maintenance be the obligation of CVS/Arbor Pharmacy only. As your project and the vacation continues to move forward towards completion I will continue to work with you to extend any final approvals of the vacation that may be necessary.

Sincerely,


Joseph Graf, Director
Construction and Real Estate.

The Detroit Medical Center
Orchestra Place 3663 Woodward Avenue Suite 200 Detroit, Michigan 48201-2403

WARREN & BRUSH DEVELOPMENT CO., L.L.C.
20300 CIVIC CENTER DRIVE, SUITE 301
SOUTHFIELD, MICHIGAN 48076

Telephone No. (248) 352-2454

Facsimile No. (248) 352-2117

September 21, 1999

Michigan Cancer Foundation
110 E. Warren Avenue
Detroit, Michigan 48201

To Whom It May Concern:


As you might have noticed, we are building a new Arbor drugstore at the southwest corner of Warren Avenue and Brush Street. I am writing to obtain your support for "vacation" of the alley that runs east and west between John R and Brush Streets parallel to and just south of Warren Avenue in Detroit. When an alley is "vacated" it remains open, but the City of Detroit no longer retains ownership.

I have enclosed two diagrams of the alley, and all of the property that abuts the alley, including the property owned by you. You own property abutting the south side of the alley at the above-referenced address. Our parcel is on the north side of the alley. The drugstore and the site (i.e., trees and shrubs, parking, benches, etc) have been intentionally designed to blend in with the surrounding campus/museum area, and vacation of the alley will allow for a more aesthetically integrated block.

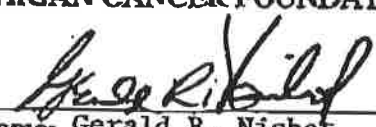
We will be meeting with the City of Detroit regarding vacation of the alley, and I would like to tell them that you support the effort. Please sign below to indicate your consent to the alley vacation, and return the signed document to me at your earliest convenience in the (postage prepaid) envelope provided herein. Feel free to call me with any questions.

Very truly yours,

WARREN & BRUSH DEVELOPMENT CO., L.L.C.

By: 
Name: Todd A. Wyatt
Title: Manager

I consent to the vacation of the alley that runs east and west between John R and Brush Streets parallel to and just south of Warren Avenue in Detroit, provided the maintenance of utilities beneath the alley continues to be the present party's responsibility.
MICHIGAN CANCER FOUNDATION

By: 
Name: Gerald R. Nisbet
Title: Chief Financial Officer
cc: Susan Mosey, Executive Director, UCCA



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

900 CADILLAC TOWER
DETROIT, MICHIGAN 48226-2873
PHONE 313•224•3949
FAX 313•224•3471

June 22, 1999

HONORABLE CITY COUNCIL:

RE: Petition No. 838 - "All Trailer Storage, Inc., requesting various street and alley closures in the area of Mackenzie Ave., Blythe Ave., Joy Rd. & Freeland Ave.

Petition No 838 of "All Trailer Storage, Inc.," requests the conversion of Blythe Avenue, 60 feet wide, between Joy Road and Mackenzie Avenue, and that part of Blythe Avenue south of Mackenzie Avenue (previously temporarily closed by City Council August 6, 1993; J.C.C. Pgs. 1663-1664); also, Mackenzie Avenue, 60 feet wide, between Freeland Avenue and Blythe Avenue, the east-west public alley, 20 feet wide and the north-south public alley, 18 feet wide, in the block bounded by Freeland, Blythe, Joy Rd. & Mackenzie; and the north-south public alley, 18 feet wide, south of Mackenzie between Blythe and Freeland (converted to easement March 13, 1985 J.C.C. Pgs. 544-550) into private easement(s) for public utilities.

The petition was referred to the City Engineering Division-DPW for investigation (utility review) and report. This is our report.

The purpose of the requested public street and alley closings to provide additional security and to discourage dumping around the Towing and Service storage yard. In order to secure the required change of occupancy permit & approval of the Board of Zoning appeals (BZA Case 42-95 conditions, & Ord. 290E, Sec. 12-11-16.1) these public right-of-way changes must be approved by City Council. The Detroit Water and Sewerage Department (DWSD) reports no objection subject to provisions of resolution.

City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way in a utility easement. Provisions protecting existing utility installations are part of the resolution. An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully Submitted,

Sunday Jayestini, City Engineer
City Engineering Division-DPW

JDF:saw

cc: Clyde D. Dowell, Director-DPW
Felix Sharpe, Mayor's Office
File

DENNIS W. ARCHER, Mayor



RESOLVED, All that part of Blythe Avenue, 60 feet wide, south of Joy Road, lying easterly of and abutting the east line of lots 188-211, both inclusive; and that part of Mackenzie Avenue, 60 feet wide, between Ireland Avenue, 60 feet wide, and Blythe Avenue 60 feet wide, lying southerly of and abutting the south line of lots 176 & 199; and all that part of the north-south public alley, 18 feet wide, first east of Ireland Avenue, lying easterly of and abutting the east line of lots 164-187, both inclusive, all in "Chase Heights" a subdivision of part of the N.W. 1/4 of the N.E. 1/4 of Sec. 6 T.2, S.R. 11E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 49, Page 17, Plats, Wayne County Records; Also, all that part of Blythe Avenue, 60 feet wide, lying easterly of and abutting the east line of lot 87 and lots 88-92, both inclusive; and all that part of the north-south public alley 18 feet wide, lying easterly of and abutting the east line of lots 71-75, both inclusive, and that remaining part of the east-west public alley, 20 feet wide, lying northerly of and abutting the north line of lot 88, all in "Cumberland Investment Company's Bonaparte Chase Subdivision" of part of N.W. 1/4 of N.E. 1/4 of Section 6, T.2, S.R. 11E., City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 23, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alleys and are hereby converted into a private easement for public utilities of the full width of street and alleys, 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 streets and alleys 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 streets and alleys 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 street or alley in the City of Detroit, with the right to ingress and egress over said easement for the purpose above set forth,

SECOND, said utility easement or right-of-way in and over said vacated street and 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 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, (except necessary line fence and restricted plant materials; said fence and gate installations shall be subject to the review and approval of the Fire Marshall and Buildings and Safety Engineering Departments) 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 street or alley shall request the removal and/or relocation of any hydrants catch basins, drains, 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 cost incidental to the repair of such broken or damaged utility; and further

PROVIDED, an easement, the full width of the existing right-of-way(s), is reserved for the Detroit Water and Sewerage Department (DWS&D) for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easements for the purpose above set forth. Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for the DWS&D equipment, including the use of backhoes, bulldozers, cranes or pipe trucks and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities. The DWS&D retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points of deflection; and further

PROVIDED, said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc., shall be built upon or over said easements, or that no grade changes or storage of materials shall be made within said easements without prior written approval and agreement with the DWS&D; and further

PROVIDED, that if it becomes necessary to remove the paved street or alley returns at the entrances, 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 "All Trailer Storage, Inc.," 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

WARREN & BRUSH DEVELOPMENT CO., L.L.C.
20300 CIVIC CENTER DRIVE, SUITE 301
SOUTHFIELD, MICHIGAN 48076

Telephone No. (248) 352-2454

Facsimile No. (248) 352-2117

September 21, 1999

Barbara Ann Karmonos Cancer Institute
110 E. Warren Avenue
Detroit, Michigan 48201

To Whom It May Concern:

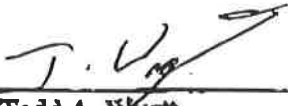
As you might have noticed, we are building a new Arbor drugstore at the southwest corner of Warren Avenue and Brush Street. I am writing to obtain your support for "vacation" of the alley that runs east and west between John R and Brush Streets parallel to and just south of Warren Avenue in Detroit. When an alley is "vacated" it remains open, but the City of Detroit no longer retains ownership.

I have enclosed two diagrams of the alley, and all of the property that abuts the alley, including the property owned by you. You own property abutting the north side of the alley at the above-referenced address. Our parcel is on the north side of the alley. The drugstore and the site (i.e., trees and shrubs, parking, benches, etc) have been intentionally designed to blend in with the surrounding campus/museum area, and vacation of the alley will allow for a more aesthetically integrated block.

We will be meeting with the City of Detroit regarding vacation of the alley, and I would like to tell them that you support the effort. Please sign below to indicate your consent to the alley vacation, and return the signed document to me at your earliest convenience in the (postage pre-paid) envelope provided herein. Feel free to call me with any questions.

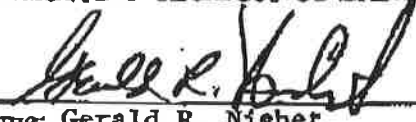
Very truly yours,

WARREN & BRUSH DEVELOPMENT CO., L.L.C.

By: 
Name: Todd A. Wyatt
Title: Manager

I consent to the vacation of the alley that runs east and west between John R and Brush Streets parallel to and just south of Warren Avenue in Detroit, provided the maintenance of utilities beneath the alley continues to be the present party's responsibility.

BARBARA ANN KARMONOS CANCER INSTITUTE

By: 
Name: Gerald R. Nieber
Title: Chief Financial Officer

cc: Susan Mosey, Executive Director, UCCA



November 29, 1999

Honorable City Council:

RE: Petition No. 2050 - "Warren & Brush Development Company, L.L.C./Dickson Wright, PLLC" request for vacation and conversion to easement of alley in the area of John R, Brush St. and Warren Ave.

Petition No. 2050 of "Warren & Brush Development Company, L.L.C./Dickson Wright, PLLC", request for the conversion of the east-west, public alley, 20 feet wide, in the block bounded by John R., 60 feet wide, Brush Street, 60 feet wide, E. Hancock Avenue, 70 feet wide, and E. Warren Avenue, 147 feet wide, into a private easement for public utilities.

The petition was referred to the City Engineering Division - DPW for investigation (utility review) and report. This is our report.

The public right-of-way is to be converted into a easement as part of the construction of an CVS drugstore on the south side of E. Warren Avenue between Brush and John R. Street(s).

The Planning and Development Department and the Traffic Engineering Division - DPW has approved the requested change in public rights-of-way.

The Detroit Water and Sewerage Department (DWSD) reports there is an existing 15" x 20" sewer in the alley requested to be vacated. DWSD has no objection to the conversion to easement provided that an easement of the full width of the alley is reserved.

Ameritech (MBT) has facilities on poles running east to west and must have access at all times.

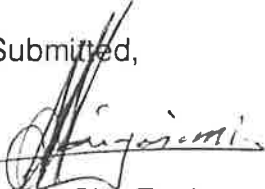
November 29, 1999

Honorable City Council:
Page 2

All other involved 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,

A handwritten signature in black ink, appearing to read "Sunday Jaiyesmi", written over a horizontal line.

Sunday Jaiyesmi, City Engineer
City Engineering Division-DPW

JDF:ks

cc: Stephanie R. Green, Interim Director-DPW
Gerarda McCarthy, Mayor's Office
File

RESOLVED, That all that part of the east-west public alley, 10 feet wide (being the southerly half of a 20 feet wide public alley) lying northerly of and abutting the north line(s) of lot(s) 9 through 20, both inclusive, of the "Plat of Genesee Co. Savings Bank, Flint, Subdivision of the north half of Park Lot 36", as recorded in Liber 6, Page 5, Plats, Wayne County Records; Also, all that part of the east-west public alley, 10 feet wide (being the northerly half of a 20 feet wide public alley) lying southerly of and abutting the south line(s) of lot(s) 40 through 29, both inclusive, of the "Plat of Moore and Palmer's Subdivision of Park Lot 37" as recorded in Liber 3, Page 40, Plats, Wayne County Records; Also, all that part of the east-west public alley, 20 feet wide, lying northerly of and abutting the north line(s) of lots(s) 10 through 14, both inclusive, and lying southerly of and abutting the south line(s) of lot(s) 1 through 5, both inclusive, of "Brush Subdivision of that part of Brush Farm" lying between the south line of Farnsworth St., and the south line of Alexandrine Ave., Detroit, Wayne County, Michigan, as recorded in Liber 17, Page 29 Plats, Wayne County Records; Also, all that part of the public alley, 20 feet wide, abutted on the north and the south by a 6.5 feet tract of land, all in the block bounded by John R., 60 feet wide, Brush, 60 feet wide, E. Hancock 70 feet wide, and E. Warren, 147 feet wide;

Be and the same is hereby vacated as a 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, 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 driveways and yards of the adjoining properties for ingress and egress at anytime 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 become 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,

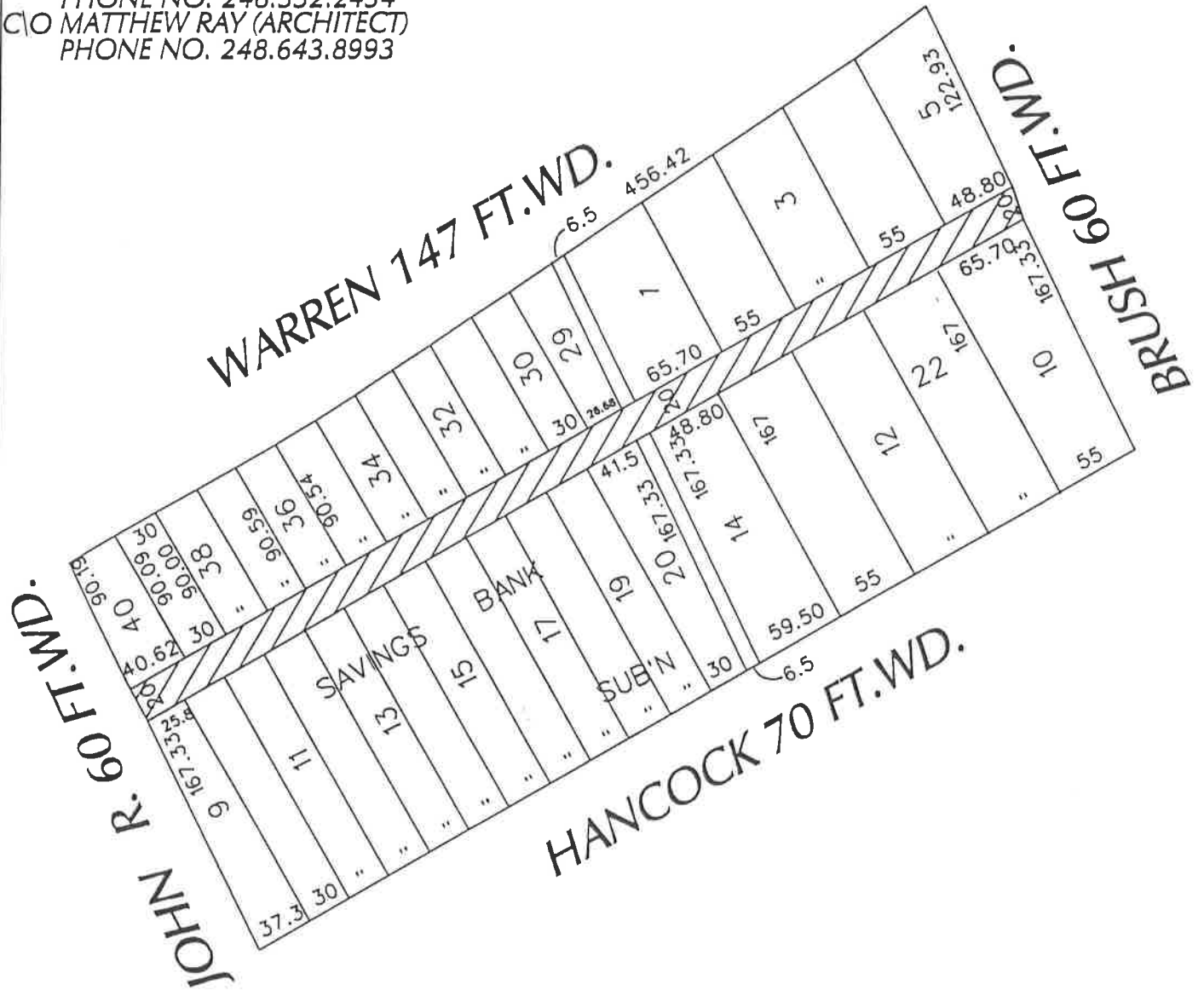
PROVIDED, that free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for the Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and further,

PROVIDED, the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide posts over its water mains at reasonable intervals and at points of deflection; and further,

PROVIDED, that if it becomes necessary to remove the paved alley return at the entrance (into John R. or Brush), 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 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.

PETITION NO. 2050
 DICKINSON WRIGHT
 525 N. WOODWARD AVE. STE. 2000
 C/O TODD WYETT (PRESIDENT WARREN & BRUSH DEVL.P.)
 PHONE NO. 248.352.2454
 C/O MATTHEW RAY (ARCHITECT)
 PHONE NO. 248.643.8993



 REQUESTED CONVERSION TO EASEMENT

CAARTO. 30-F
 PLAMERS SUB'N
 SAVING BANK SUB'N
 BRUSH FARMS LOT22 SUB'N

(FOR OFFICE USE ONLY)

B					
	A				
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	N.R.P.		CHECKED		
DATE	10.19.99		APPROVED		
REQUESTED CONVERSION TO EASEMENT THE E'W 20 FT. WD. OPEN PUBLIC ALLEY BLOCK BND. BY WARREN, HANCOCK, BRUSH AND JOHN R.			CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU		
			JOB NO.	01-01	
			DRWG. NO.	X1018CVS.DGN	