

April 27, 2000

Honorable City Council:

RE: Petition No. 1972 – Velmeir Company, L.L.C., c/o Gwen Lewis, et al, request to vacate public alley and deed land for new alley in the area of Gratiot, McDougall and Mitchell.

Petition No. 1972 of “Velmeir Company, L.L.C., c/o Gwen Lewis, et al,” requests the outright vacation of all of the east-west public alley, 20 feet wide, and a portion of the north-south public alley, 18.4 feet wide, and the dedication of land for public alley purposes, in the block bounded by Mitchell Ave., 66 feet wide, McDougall Ave., 79.80 feet wide, Mack Ave., 50 feet wide, and Gratiot Ave., 120 feet wide. In order to facilitate construction of a new CVS Pharmacy.

The Solid Waste Division and the Traffic Engineering Division of DPW approved the request. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The petitioner plans to remove or alter the existing paved alley return entrance into Mitchell Ave. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

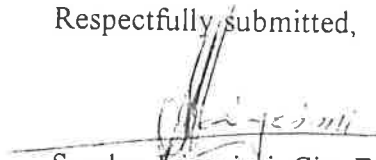
The petitioner has plans to build a new public alley at no expense to the City of Detroit. The petitioner has acquired land and set-aside funding to build the new alley. The alley will be built by private contract within property owned or controlled by the petitioner under City Engineering Division – DPW inspection and permits. When the alley is completed to city specifications, the petitioner intends to deed the property to the city. City Council is requested to declare the city’s ‘intent’ to accept the deed and alley for public purposes; provided said property complies with the requirements of Detroit codes and ordinances, also known as the ‘Environmental Review Guidelines.’ A separate resolution-recommending acceptance of the deed will be presented to City Council for consideration. The dedication of the 20 feet wide east-west strip of land between Mitchell and the north-south alley should be completed before vacating the alleys to avoid the creation of a dead-end alley.

The Detroit Water and Sewerage Department (DWSD) have no objections to outright vacate the alleys provided that all properties abutting the alley are owned by the petitioner and the relocates the 15”x20” lateral sewer in accordance with attached requirements and provisions which are a part of this resolution.

All other involved city departments and privately owned utility companies reported no objections to the outright vacation and dedication. Provisions protecting certain utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,



Sunday Jaiyesimi, City Engineer
City Engineering Division – DPW

JDF: jdf

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

BY COUNCIL MEMBER: _____

WHEREAS, The petitioner has plans to build a new public alley at no expense to the City of Detroit. The petitioner has acquired land and set-aside funding to build the new alley. The alley will be built by private contract within property owned or controlled by the petitioner under City Engineering Division – DPW inspection and permits. When the alley is completed to city specifications, the petitioner intends to deed the property to the city. City Council is requested to declare the city’s ‘intent’ to accept the deed and alley for public purposes; provided said property complies with the requirements of Detroit codes and ordinances, also known as the ‘Environmental Review Guidelines.’ A separate resolution-recommending acceptance of the deed will be presented to City Council for consideration. The dedication of the 20 feet wide east-west strip of land between Mitchell and the north-south alley should be completed before vacating the alleys to avoid the creation of a dead-end alley; AND

RESOLVED, All that part of the east-west public alley, 20 feet wide, lying northerly of and abutting the north line of Lots 1 – 4, both inclusive, and lying southerly of and abutting the south line of Lot 31; Also, that part of the north-south public alley, 18.4 feet wide, lying easterly of and abutting the east line of Lots 27 – 31, both inclusive, and the south 10.00 feet of Lot 26, and lying westerly of and abutting the west line of Lots 8 – 10, both inclusive, Lot 5 and the vacated alley adjoining, 20 feet wide, and the south 10.00 feet of Lot 11, Block 48 City of Detroit, Wayne County, Michigan, as platted in “ Plat of the Subdivision of Blocks No. 48, 61, 62 and 64, McDougall Farm, North of Gratiot Avenue,” City of Detroit, Wayne County, Michigan as recorded in Liber 5, Page 40 Plats, Wayne County Records;

Be and the same are hereby vacated (outright) as public alley rights-of-way to become part and parcel of the abutting property, subject to the following provisions:

PROVIDED, That the petitioner shall design and construct proposed lateral sewers and make the connections to the existing 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 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 lateral sewers and to issue permits for the construction of the lateral sewers; and further

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

PROVIDED, That the entire cost of the 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 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

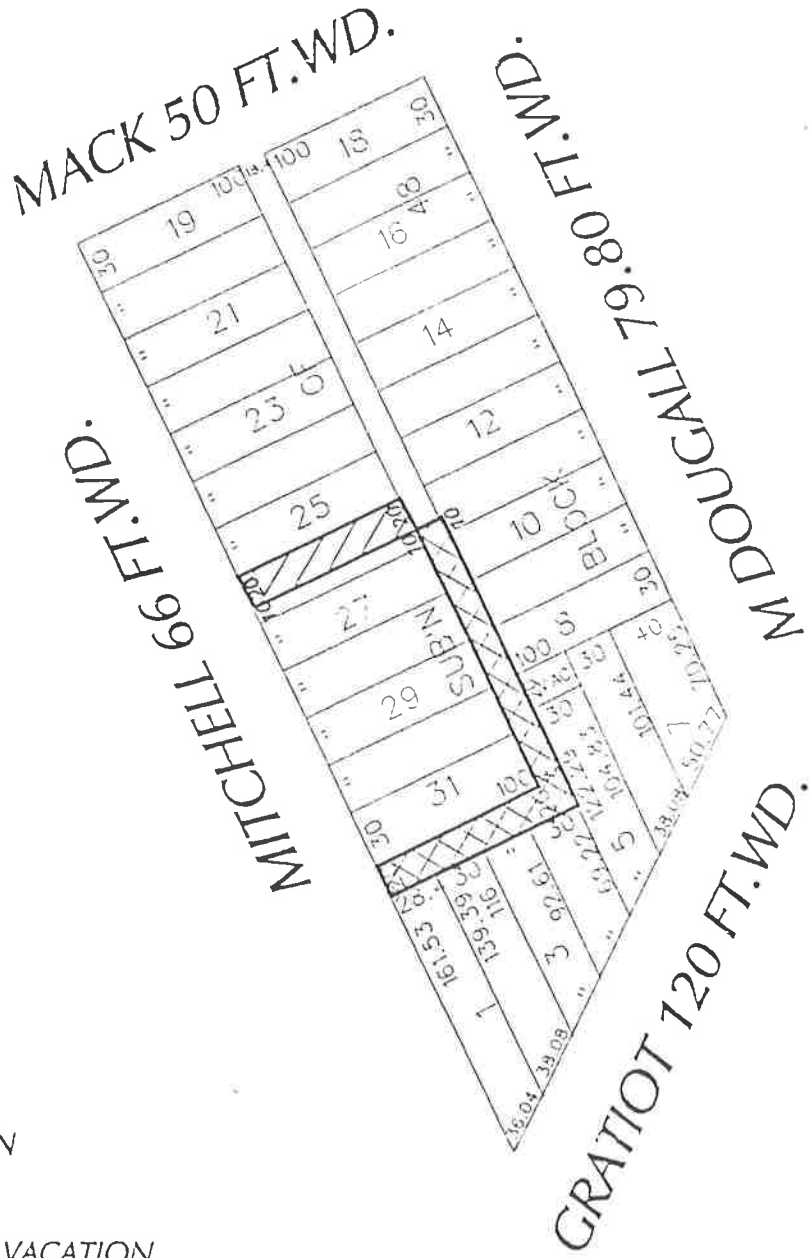
PROVIDED, That upon satisfactory completion of the lateral sewer construction, the sewers shall be City property and become part of the City system; and further

RESOLVED, City Council is requested to declare the city's 'intent' to accept the deed and alley for public purposes, being described as follows:

The north 20.00 feet of Lot 26 of "Plat of the Subdivision of Blocks No. 48, 61, 62 and 64, McDougall Farm, North of Gratiot Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 5, Page 40 Plats, Wayne County Records; provided said property complies with the requirements of Detroit codes and ordinances, also known as the "Environmental Review Guidelines." [NOTE: The City Council anticipates a separate report and resolution-recommending acceptance of the deed-will be presented by the Detroit - Department of Public Works (its City Engineering Division; in conjunction with the Law Department, if necessary) for further consideration.]; 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. 1972
 VELMEIR COMPANY
 5777 W. MAPLE, SUITE 180
 C/O GWEN LEWIS
 PHONE NO. 313.341.8640
 FAX NO. 313.341.8642



DEDICATION



OUT-RIGHT VACATION

Mc DOUGALL FARM SUB'N
 BLKS # 48,61,62 & 64

CARTO. 39-A

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	N.R.P.				
DATE	APPROVED				

REQUESTED OUT-RIGHT VACATION OF THE E/W
 20 FT.WD. AND A PORTION OF THE N/S 18.4 FT.WD.
 PUBLIC ALLEY(S) BLOCK BND. GRATIOT, MACK, MICHIGAN,
 AND McDOUGALL
 DEDICATION OF THE NORTH 20 FT.OF LOT 26 FOR
 A NEW ALLEY OUT LET.

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