

July 26, 2003

Honorable City Council:

RE: Petition No. 1355 – Detroit Building Authority, for street and alley Abandonment and easement dedication in the are of W. Fort Street, Fisher Freeway Service Drive, McKinstry and Ferdinand.

Petition No. 1355 of the "Detroit Building Authority" (DBA) is requesting certain changes in public rights-of-way, in the area of Morrell Avenue, 60 feet wide, McKinstry Avenue, 59.41 feet wide, West Fort Street, 100 feet wide and the Fisher Freeway Service Drive, in order to construct a proposed "Emergency Services Center Southwest", (formerly Public Safety Mall). This project will consist of a 65,000 square foot two (2) level structure, with on-site parking, housing a new Police Precinct, Fire Station and a limited operation by the Municipal Parking Department.

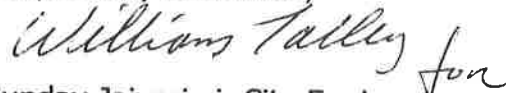
The request was approved by Planning and Development Department, the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation and report. This is our report.

The Detroit Water and Sewerage Department, Public Lighting Department, DTE – Detroit Edison, DTE – MichCon Gas, SBC and Comcast Cablevision have all reported their involvement. These concerns have been shared with the DBA (the petitioner) and will be addressed during the construction phase.

The Honorable Detroit City council previously adopted (December 4, 1998; J.C.C. Pgs. 3092 – 3098) a 'Resolution of Necessity' authorizing the City's power of eminent domain and declaring this project as a public improvement for the benefit and use of the public.

Therefore, in order to implement and facilitate the accomplishment of certain changes in public rights-of-way, such as vacation and removal of streets, alleys or other public ways, and certain utilities and facilities, both public and private, the attached resolution respectfully request the approval of your Honorable Body authoring the City of Detroit to require that these right-of-way changes take place. A waiver of reconsideration is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William Tally for".

Sunday Jaiyesimi, City Engineer
City Engineering Division – DPW

JDF:jdf

Cc: Ulysses Burdell – Deputy Director, DPW
Elizabeth A. Benson – Director, DBA
Kandia Milton, Mayor's Office

BY COUNCIL MEMBER: _____

WHEREAS, The Honorable Detroit City council previously adopted (December 4, 1998; J.C.C. Pgs. 3092 – 3098) a 'Resolution of Necessity' authorizing the City's power of eminent domain and declaring this project as a public improvement for the benefit and use of the public, and

WHEREAS, The City needs to establish a "Emergency Services Center - Southwest", (formerly Public Safety Mall) in the southwest corridor of the City of Detroit, in the interest of the community safety, and to enhance the prevention and expeditious detection of crime and other socially detrimental activity plaguing the community; and

WHEREAS, In order to implement and facilitate the accomplishment of certain changes in public rights-of-way, such as vacation and removal of streets, alleys or other public ways, and certain utilities and facilities, both public and private, the attached resolution respectfully request the approval of your Honorable Body authoring the City of Detroit to require that these right-of-way changes take place, and

WHEREAS, The Detroit Water and Sewerage Department, Public Lighting Department, DTE – Detroit Edison, DTE – MichCon Gas, SBC and Comcast Cablevision have all reported their involvement. These concerns have been shared with the DBA (the petitioner) and will be addressed during the construction phase, therefore be it

RESOLVED, All that part of the public alleys, in the block bounded Ferdinand Avenue, 60 feet wide, Lansing Avenue, 60 feet wide, West Fort Street, 100 feet wide, and the Fisher Freeway Service Drive, described as, the east-west public alley, 20 feet wide, lying northerly of and abutting the north line of Lots 1 – 5, both inclusive, and lying southerly of and abutting the south line of Lot 102; and, All that part of the north-south public alley(s) 18 & 8 feet wide, lying easterly of and abutting the east line of Lots 96 – 102, both inclusive (except that part taken for the opening of the Fisher Freeway) of "Subdivision of Outlots 20 & 21 Subdivision of P.C. 30", City of Detroit, Wayne County, Michigan, as recorded in Liber 21, Page 30, Plats, Wayne County Records;

Also, all that part of the north-south public alley, 10 feet wide, lying westerly of and abutting the west line of Lots 4 – 7, both inclusive, (except that part taken for the opening of the Fisher Freeway) and the east-west public alley, 20 feet wide, lying northerly of Lots 1 – 3, both inclusive, and lying southerly of the south line of Lot 4 of "Plat of Sanderson & Johnston's Subdivision of Lot 19 of P.C. 30", Springwells

(now Detroit) Wayne County, Michigan, as recorded in Liber 3, Page 94, Plats, Wayne County Records;

Be and the same are hereby vacated as public alley(s) to become part and parcel of the abutting property; also

RESOLVED, All that part of the public alleys, in the block bounded Lansing Avenue, 60 feet wide, McKinstry Avenue, 60 feet wide, West Fort Street, 100 feet wide, and the Fisher Freeway Service Drive, described as, being the east-west public alley, 20 feet wide, lying northerly of and abutting the north line of Lots 1 – 5, both inclusive, and lying southerly of and abutting the south line of Lot 6, and that north-south public alley, 10 feet wide, lying easterly of and abutting the east line of Lots 6 – 8, both inclusive, (except that part taken for the opening of the Fisher Freeway) of "Plat of Subdivision of Outlot No. 18 P.C. 30" as recorded in Liber 9, Page 63, Plats, Wayne County records; and

Also, all that part of the east-west public alley, 20 feet wide, lying northerly of and abutting the north line of Lots 1 and 2, and lying southerly of and abutting the south line of Lot 1, and the north-south public alley, 10 feet wide, lying westerly of and abutting the west line of Lots 3 – 5, both inclusive, (except that part taken for the opening of the Fisher Freeway) of "Plat of J.C.D. William's Subdivision of Lot 17 of P.C. 30", Springwells (now Detroit), Wayne County, Michigan, as recorded in Liber 4, Page 20, Wayne County Records;

Be and the same are hereby vacated as public alleys to become part and parcel of the abutting property; subject to the following provision;

PROVIDED, That an easement is reserved with the east-west public alley, 20 feet wide, between Lansing Avenue and McKinstry Avenue, in order to maintain DTE underground facilities, also

RESOLVED, All that part of Lansing Avenue, 60 feet wide, between West Fort Street, 100 feet wide, and the Fisher Freeway South Service Drive; described as lying easterly of and abutting the east line of Lot 1 and Lots 4 – 7, both inclusive, (except that part taken for the opening of the Fisher Freeway) of "Plat of Sanderson & Johnston's Subdivision of Lot 19 of P.C. 30", Springwells (now Detroit) Wayne County, Michigan, as recorded in Liber 3, Page 94, Plats, Wayne County Records; and lying westerly of and abutting the west line of Lot 1 and Lots 6 – 8, both inclusive, (except that part taken for the opening of the Fisher Freeway) of "Plat of Subdivision of Outlot No. 18 P.C. 30" as recorded in Liber 9, Page 63, Plats, Wayne County records;

Be and the same are hereby vacated as a public street to become part and parcel of the abutting property; subject to the following provision;

PROVIDED, That a 40 foot wide Detroit Water and Sewerage Department (DWSD) easement is reserved, which easement shall be centered within said Lansing Avenue, 60 feet wide, in order to maintain DWSD facilities, also

RESOLVED, All that part of Ferdinand Avenue, 60 feet wide, between West Fort Street, 100 feet wide, and the Fisher Freeway South Service Drive, described as lying easterly of and abutting the east line of Lots 11 – 17, both inclusive, (except that part taken for the opening of the Fisher Freeway); and lying westerly of and abutting the west line of Lots 96 – 102, both inclusive, (except that part taken for the opening of the Fisher Freeway) together with the easterly 30 feet of said Ferdinand Avenue, 60 feet wide, lying westerly of and abutting the west line of Lot 5 and the public alley, 20 feet wide, all in the "Subdivision of Outlots 20 & 21 Subdivision of P.C. 30", City of Detroit, Wayne County, Michigan, as recorded in Liber 21, Page 30, Plats, Wayne County Records;

Be and the same is hereby vacated as a street and is hereby converted into a private easement for public utilities of the aforementioned described street right-of-way, 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 street 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 street 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 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 street 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, 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,

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

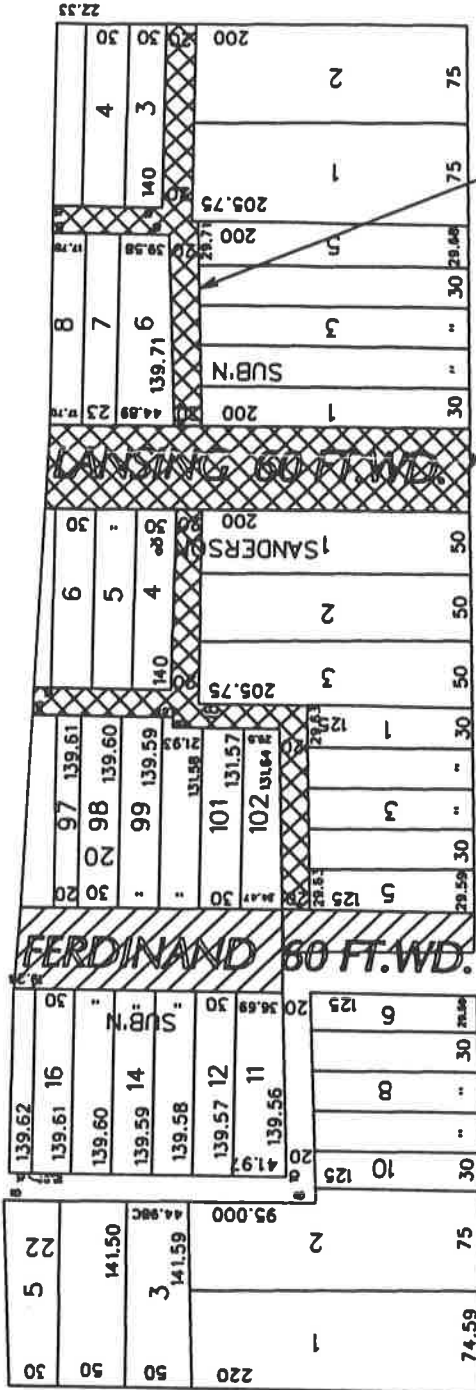
PETITION NO. 1355
 DETROIT BUILDING AUTHORITY
 65 CADILLAC SQ. SUITE 2800
 c/o ELIZABETH A. BENSON
 PHONE: 313-224-7238
 FAX NO: 313-224-4998

McKINSTRY 59.41 FT.WD.



REVISION !!!!

FISHER FREEWAY



FULL WIDTH EASEMENT RETAIN FOR DTE

40 FT. WD. EASEMENT RETAIN FOR DWSD AND DTE

FORT ST. 100 FT.WD.

FERDINAND 60 FT.WD.

MORRELL 60 FT.WD.

 - REQUESTED OUTRIGHT VACATION

 - REQUESTED CONVERSION TO EASEMENT

CARTO 11F

(FOR OFFICE USE ONLY)

B					REQUESTED CONVERSION TO EASEMENT AND OUTRIGHT VACATION OF CERTAIN STREETS AND ALLEYS IN THE AREA OF MORRELL, McKINSTRY, FORT AND FISHER FREEWAY.		CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A							JOB NO. 01-01	
DESCRIPTION DRWN CHKD APPD DATE REVISIONS							DRWG. NO. x1355.dgn	
DRAWN BY		CHECKED						
DATE		APPROVED						
NP								
6-18-03								