

City of Detroit

OFFICE OF THE CITY CLERK

Jackie L. Currie
City Clerk

Vernon C. Allen
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

February 11, 2004

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 four (4) weeks.

**/PUBLIC WORKS - CITY ENGINEERING DIVISION/
PLANNING AND DEVELOPMENT DEPARTMENTS/**

2280 Detroit Department of Transportation, for private use/vacation of Park Place between Michigan, Grand River, State Street, Washington, and Cass for the Downtown Detroit Transit Center Development.

RECEIVED
D P W
FEB 17 2004
TRAFFIC ENGG.
D P W

The Pagan Organization
Ownership Development Management
1249 Washington Blvd. Suite 2800
Detroit, MI 48226
Ph: (313)962-3180 * Fax: (313)962-3184

9/20/06

Dear Mr. Miles:

I Ricardo C. Pagan president of NortEast Commercial Services Corporation which owns The Book Tower in Downtown Detroit acknowledge here that we have no objection to the closure/vacation of lot No. 59 behind our alley of The Book Tower as outlined in attached petition No. 2280. Any questions or concerns please call me directly. Thank you.

Best Regards,



Ricardo C. Pagan
President
The Pagan Organization

April 25, 2007

Honorable City Council:

RE: Petition No. 2280 – Detroit Department of Transportation, requesting approvals in connection with the construction of the Downtown Detroit Rosa Park Transit Center, Corrections are needed for the Legal Description, Provisions, and Deed language.

Petition No. 2280 of the “Detroit Department of Transportation (DDOT)” (outright vacation and closure of State Street, 60 feet wide, and the east-west public alley, 20 feet wide, first south of said State St., between Cass Avenue (variable width) and Park Place, 60 feet wide,) was granted by your Honorable Body on January 10, 2007 and the first correction was granted by your Honorable Body on February 14, 2007.

However, the resolution and/or provisions, deed language, and legal description have been revised which will require corrections (**all corrections in bold print and underlined**).

An appropriate resolution, correcting the provisions, legal descriptions and deed language, is attached for consideration by your Honorable Body.

Respectfully submitted,



Jessy Jacob, Interim City Engineer
City Engineering Department – DPW

NRP/

Cc: Cathy Square, Director – DPW
Mayor’s Office – Kandia Milton - City Council Liaison
Douglass J. Diggs, Director – PDD

BY COUNCIL MEMBER: _____

WHEREAS, The City of Detroit through its Department of Transportation is proposing a Public Development Project which consist of a new Downtown **Rosa Parks** Transit Center that will be designed to interface with the Detroit People Mover and allow the coordination with other transportation services. The new facility will include a terminal building including retail, passenger concourse and bus bays, AND

WHEREAS, The proposed new **Rosa Parks** Transit Center (**RPTC**) will be assigned to the Detroit Department of Transportation (DDOT) for transportation related use under the maintenance and control of DDOT, AND

WHEREAS, SBC Michigan (SBC) reports that they own and operate two parallel conduit systems ("Conduit Systems") in that part of State Street to be vacated outright. The system running along the north side of State Street is comprised of 72 ducts and the system running along the south side is comprised of 24 ducts. The "Conduit Systems" are the main cable routes out of SBC's central office switch building located at 1365 Cass Avenue and serve much of the downtown area. In addition, SBC desires to construct an additional conduit system ("New System") along the route of and in between the two conduit systems to accommodate deployment of new facilities in the future, AND

WHEREAS, The Detroit Transportation Corporation/ Detroit People Mover (DTC/DPM) operations will be affected by the proposed Rosa Parks Transit Center Development. The impacts to DTC's facilities will be alleviated during the design by the following measures Air Quality, Access to DTC Maintenance Facility during Construction, Parking Scheme, Fencing, Rolling Gates, Security Cameras, and Card Readers. A more detailed explanation is part of this resolution. Also, **Rosa Parks Transit Center (RPTC)** will require a re-design to incorporate the "Conduit Systems" and the "New Systems" in order to avoid the necessity to relocate. The DDOT is willing to re-design the **Rosa Parks** Transit Center. SBC is willing to pay for the cost of the re-design.

WHEREAS, SBC will also require a grant of easement for the "Conduit Systems" and the "New Systems". DDOT has agreed to provide an easement provided that access to SBC facilities are conducted from Manholes to be installed within State Street east of Park Place, THEREFORE BE IT

RESOLVED, All that part of State Street, 60 feet wide, between Cass Avenue, (variable width) and Park Place, 60 feet wide, lying Northerly of and abutting the North line of Lots 79, 80 and 81, except Cass Avenue as opened, and lying Southerly of and abutting the South line of Times Square Park, of "Plat of Section 10, Governor and Judges Plan", City of Detroit, Wayne County, Michigan, as recorded in Liber 34, Page 553, Deeds, Wayne County Records;

Be and the same is hereby vacated as a public street to become part and parcel of the abutting property and is hereby converted into a exclusive private easement for SBC Michigan, a Michigan Corporation, at 444 Michigan Avenue, Detroit, Michigan 48226, within that part of said street to be determined for the "Conduit Systems" and the "New Systems" (except that part taken for the opening of Cass Avenue), which easement shall be subject to 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, and SBC Michigan, a Michigan Corporation, at 444 Michigan Avenue, Detroit, Michigan 48226 forever to wit:

Resolved, all that part of the east-west public alley, 20 feet wide, in the block bounded by Cass Avenue (variable width), Park Place, 60 feet wide, Michigan Avenue, 100 feet wide, and State Street, 60 feet wide, lying northerly of and abutting the north line of Lots 51 and 52, except Cass Avenue as opened, and lying southerly of and abutting the south line of Lots 80 and 81, except Cass Avenue as opened, of said "Plat of Section 10, Governor and Judges Plan", City of Detroit, Wayne County, Michigan, as recorded in Liber 34, Page 553, Deeds, Wayne County Records;

Be and the same is hereby vacated as a public alley to become part and parcel of the abutting property, **and is hereby converted into an exclusive private underground easement for Detroit Thermal, L.L.C, 541 Madison Avenue, Detroit, Michigan 48226 within that part of said alley (except that part taken for the opening of Cass Avenue) to be determined for the Detroit Thermal, L.L.C. facilities, which easement shall be subject to 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, and Detroit Thermal, L.L.C. forever,** subject to the following provision;

RESOLVED, All that part of Park Place, 60 feet wide, between Michigan Avenue, 100 feet wide, and Times Square, 60 feet wide, lying westerly of and abutting the west line of Lots 53, 55, 57 through 62, and lying easterly of and abutting the east of Lots 52 and 81, and abutting the east 281.82 feet (as recorded) of Times Square Park, of said "Plat of Section 10, Governor and Judges Plan", City of Detroit, Wayne County, Michigan, as recorded in Liber 34, Page 553, Deeds, Wayne County Records;

Be and the same is hereby closed to public vehicular traffic and is hereby converted into a private easement for public utilities of the full width of the street, and the Detroit Department of Transportation (DDOT) for transportation related use under the maintenance and control of DDOT, subject to the following provision:

RESOLVED, That the above described area, after construction is completed, are hereby assigned to the Detroit Department of Transportation for maintenance, and be it further

PROVIDED, That the City of Detroit retains all rights and interest to the area therein; and be it further

PROVIDED, The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area; and be it further

PROVIDED, That air quality concerns will need to be addressed by providing the Detroit Transportation Corporation DTC/DPM with the exhaust plan and design assumptions that were used by Parsons Brinkerhoff and FTL, engineering consultants to DDOT, in the design of the canopy proposed to be constructed above Park Place between Michigan Avenue and Times Square Street. A base air quality condition will be developed to mitigate the air quality concerns. A sampling of the existing indoor air quality may be required. If the exhaust plans for the canopy design are deemed unsatisfactory in the reasonable opinion of the Detroit Transportation Corporation DTC/DPM and their consultant, to abate increases in adverse air quality above the existing base line attributed to bus idling, DDOT will take appropriate measures to return the air quality to base line standard measurements; and be it further

PROVIDED, that the Detroit Transportation Corporation DTC/DPM access to the Detroit Transportation Corporation DTC/DPM Maintenance Facility and loading dock will be maintained via Park Place Avenue during construction. Deliveries and loading from this facility will be carefully coordinated with the General Contractor during Construction and access to the loading dock will be maintained for deliveries subsequent to construction; and be it further

PROVIDED, that the Parking scheme for the current parking under the DTC/DPM Maintenance Facility will be revised in accordance with Alternative 3 in the attachment to the Memorandum of Understanding between DTC/DPM and DDOT dated October 4, 2006. The proposed parking entrances on Michigan Avenue and State Street will be constructed prior to the construction on Park Place to provide uninterrupted access to the parking area for DTC/DPM employees; and be it further

PROVIDED, that the final design will provide fencing to the Detroit Transportation Corporation DTC/DPM building with pedestrian gates near entrance locations to the Detroit Transportation Corporation DTC/DPM's building; and be it further

PROVIDED, that Rolling Gates, Security Cameras and Card Readers for the Detroit Transportation Corporation parking areas under the Maintenance Facility are part of the project. Funding for the provision of rolling gates, security cameras, and card readers for the gates have been discussed The possibilities of innovative funding mechanisms utilizing appropriate existing and new grants will be explored by DTC/DPM and DDOT, it being understood between DTC/DMP and DDOT that the extent of DDOT's agreement to fund these improvements is subject to them being allowed and permitted under Federal Transit Administration's grant guidelines, rules, and regulations; and be it further

PROVIDED, That the Detroit Transportation Corporation DTC/DPM retain and/or is granted a perpetual easement in Park Place between Time Square Street and State Street for ingress and egress to and from its facility; and be it further

RESOLVED, All that part of State Street, 60 feet wide, between Park Place, 60 feet wide and Washington Boulevard, 195, feet wide, lying southerly of and abutting the south line of Lot 57 and lying northerly of and abutting the north line of Lot 55 and 56 of said "Plat of Section 10, Governor and Judges Plan", City of Detroit, Wayne County, Michigan, as recorded in Liber 34, Page 553, Deeds, Wayne County Records;

Be and the same is hereby closed to public vehicular traffic and is hereby converted into a private easement for public utilities of the full width of the street, and the Detroit Transportation Corporation (DTC)/DPM for transportation related usage and to be under the maintenance and control of the Detroit Transportation Corporation DTC/DPM, subject to the following provision.

PROVIDED, That the three point turn around in State Street lying East of Lots 56 and 57 is reviewed and approved by the Fire Department, also the drawing of the three point turn around and the new configuration of State Street be part of this resolution.

PROVIDED, That the City of Detroit retains all rights and interest to the area therein; and be it further

PROVIDED, The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area; and be it further

PROVIDED, That the above described area, after construction is completed, is hereby assigned to the Detroit Transportation Corporation (DTC) /DPM for maintenance and control of said area; and be it further

RESOLVED, All of the public alley, 20 feet wide, in the block bounded by Park Place, 60 feet wide, Washington Boulevard (variable width), Michigan Avenue, 100 feet wide, and State Street, 60 feet wide, more particularly described as the east-west public alley, lying northerly of and abutting the north line of the West 40.00 feet Lots 54 and all of Lot 53, and lying southerly of and abutting the south line of Lots 55 and 56 all in the "Plat of Section 10, Governor and Judges Plan", City of Detroit, Wayne County, Michigan, as recorded in Liber 34, Page 553, Deeds, Wayne County Records;

Also, All of the public alley, 20 feet wide, (deeded to the City of Detroit on July 17, 1928) in the block bounded by Park Place, 60 feet wide, Washington Boulevard, 195 feet wide, West Grand River Avenue, 60 feet wide, and State Street, 60 feet wide, more particularly described as the southerly 20.00 feet of the Northerly 22.00 feet of Lot 59, Section 10, Governor and Judges Plan of said City of Detroit, according to the plat thereof recorded; in Liber 34, Page 553 of Deeds, Watne County Records;

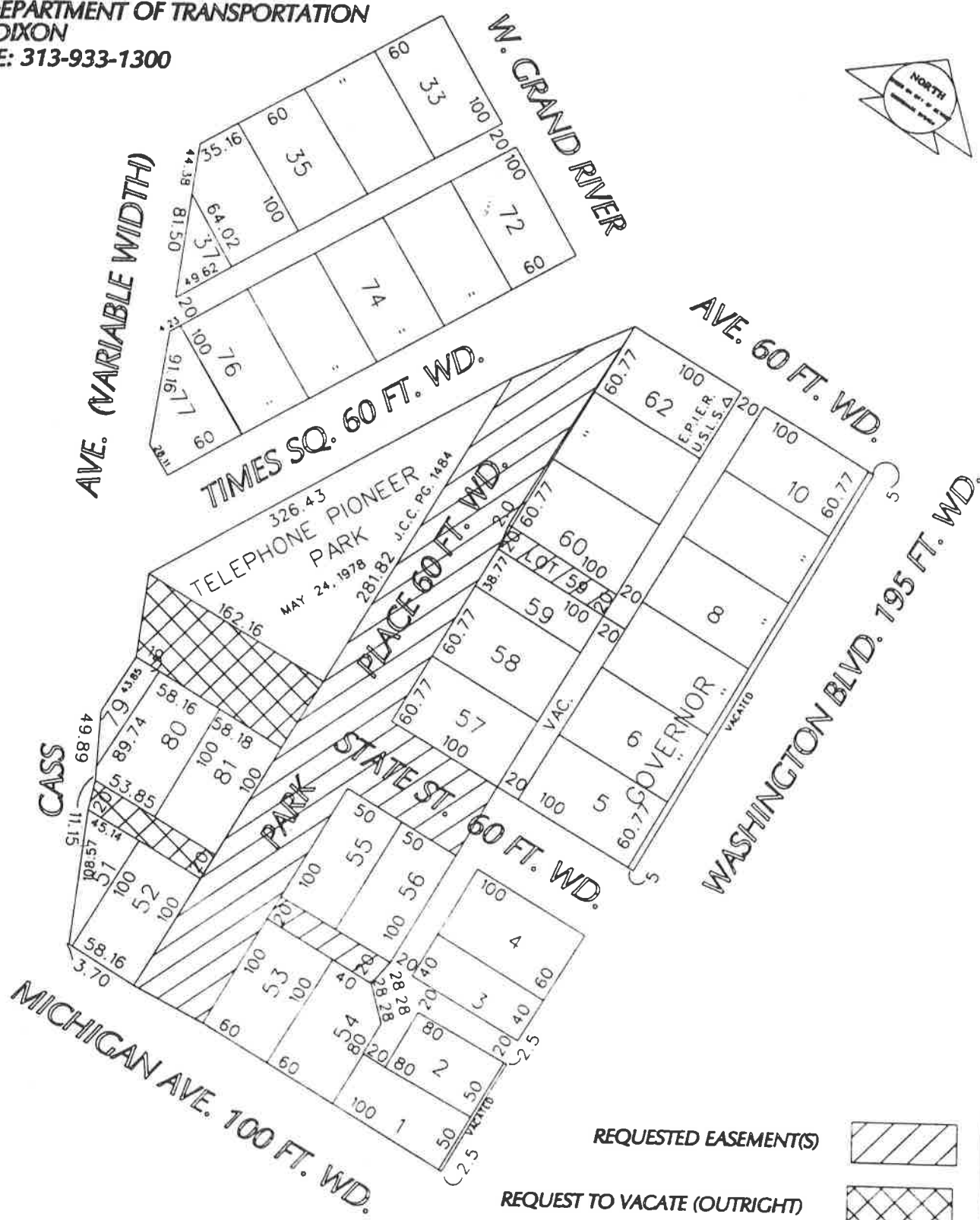
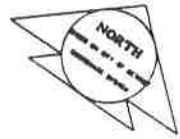
Be and the same is hereby vacated (outright) as public rights-of-way to become part and parcels of the abutting property, subject to the following provisions;



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

RESOLVED, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following described parcels of land for the fair market value and/or other valuable consideration (to the Detroit Transportation Corporation (DTC) /DPM):

Land in the City of Detroit, Wayne County, Michigan being part of the public alleys, 20 feet wide, in the block bounded by Park Place, 60 feet wide, Washington Boulevard (variable width), Michigan Avenue, 100 feet wide, and State Street, 60 feet wide, more particularly described as the east-west public alley, lying northerly of and abutting the north line of the West 40.00 feet Lots 54 and all of Lot 53, and lying southerly of and abutting the south line of Lots 55 and 56 all in the "Plat of Section 10, Governor and Judges Plan", City of Detroit, Wayne County, Michigan, as recorded in Liber 34, Page 553, Deeds, Wayne County Records;

Also, All of the public alley, 20 feet wide, (deeded to the City of Detroit on July 17, 1928) in the block bounded by Park Place, 60 feet wide, Washington Boulevard, 195 feet wide, West Grand River Avenue, 60 feet wide, and State Street, 60 feet wide, more particularly described as the southerly 20.00 feet of the Northerly 22.00 feet of Lot 59, Section 10, Governor and judges Plan of said City of Detroit, according to the plat thereof recorded; in Liber 34, Page 553 of Deeds, Watne County Records;



REQUESTED EASEMENT(S) 
REQUEST TO VACATE (OUTRIGHT) 

CARTO. MAP 28-B

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NP	CHECKED			
DATE	7-29-04	APPROVED			

REQUEST TO VACATE CERTAIN PUBLIC RIGHTS-OF-WAY FOR THE PROPOSED DOWNTOWN DETROIT TRANSIT CENTER DEVELOPMENT.

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU
JOB NO. 01-01
DRWG. NO. X2280.DGN