

City of Detroit
OFFICE OF THE CITY CLERK

Jackie L. Currie
City Clerk

Vernon C. Allen
Deputy City Clerk

Departmental Reference Communication

March 9, 2005

To: The Department or Commission Listed Below

From: The City Clerk

RECEIVED
CITY ENGINEERING DIV.-DPW

MAR 17 2005

AMENDMENT

By _____

Herewith, the following referral is a copy of Petition No. 2478

PUBLIC WORKS - CITY ENGINEERING DIVISION/

2478 Michigan/Livernois LLC, for conversion of alley in area of Livernois and Michigan.

Attached please find additional documentation for the above mentioned petition.

**PETITIONER IS ALSO REQUESTING REMOVAL OF UTILITY
EASEMENT IN ALLEY, AT MICHIGAN AND LIVERNOIS. See
Attached.**

Please provide the City Council with a report relative to this petition within four (4) weeks. Thanking you in advance.

Attachment

James Foster
209 Coleman A. Young Municipal Center • Detroit, Michigan 48226-3400
(313) 224-3260 • Fax (313) 224-1466

Carlo BE ease. Oct 6, 2004 Sec. Pys. 3272-74

MICHIGAN / LIVERNOIS L.L.C.

21745 W EIGHT MILE RD * DETROIT, MI 48219
(313) 538-7900 * FAX (313) 538-2117

March 3, 2005


CITY CLERK
200 COLEMAN A YOUNG
MUNICIPAL CENTER
DETROIT, MI 48226

RE: UTILITY EASEMENT

To Whom It May Concern:
I AM REQUESTING A REMOVAL OF THE UTILITY EASEMENT IN THE ALLEY,
LOCATED AT MICHIGAN & LIVERNOIS, DETROIT, MI
SEE ATTACHED: PETITION NO 2478
MICHIGAN / LIVERNOIS
21745 W EIGHT MILE RD.
C/O ANTHONY YOUSIF

IF YOU HAVE ANY QUESTIONS PLEASE CALL.

Thank you,



ANTHONY YOUSIF

MAR 03 12 53 PM '05

--CITY CLERK

CITY COUNCIL

Maryann Mahaffey
President

Kenneth V. Cockrel, Jr.
President Pro Tem

Alonzo W. Bates
Sheila M. Cockrel
Barbara-Rose Collins
Kay Everett
Sharon McPhail
Alberta Tinsley-Talabi
JoAnn Watson

December 16, 2004

Mr. Anthony Yousif
Michigan / Livernois L.L.C.
21745 W. Eight Mile Rd.
Detroit, Michigan 48219

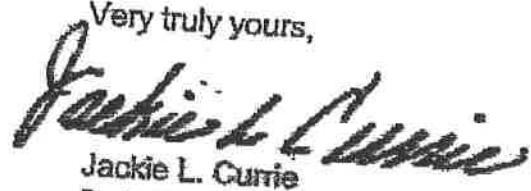
Re: Petition of Michigan/Livernois LLC (2478), for conversion of alley in area of Livernois and Michigan.

Dear Mr. Yousif:

Herewith transmitted for your information is a Certified Copy of Resolution adopted by the Detroit City Council on Wednesday, October 6, 2004. The resolution contains detailed information provided by the City of Detroit Department of Public Works/City Engineering Division.

The City Clerk shall record a certified copy of the resolution within thirty (30) days with the Wayne County Register of Deeds, International Center Building, 400 Monroe Street, 6th Floor.

Very truly yours,



Jackie L. Currie
Detroit City Clerk

JLC: dtw

Attachment

DETROIT CITY COUNCIL RESOLUTION ADOPTED ON OCTOBER 6, 2004
AND APPROVED BY THE MAYOR'S OFFICE ON OCTOBER 19, 2004
PRINTED IN THE DETROIT LEGAL NEWS ON OCTOBER 13, 2004

Department of Public Works
City Engineering Division
September 24, 2004

Honorable City Council:
Re: Petition No. 2478 — Michigan/
Livernois L.C.C., requesting for conversion of alley to easement in the area of Livernois and Michigan.

Petition No. 2478 of Michigan/
Livernois L.C.C., requesting the conversion of a portion of the East-West public alley, 17.50 feet wide, (Dedicated to the City of Detroit on October 3, 1898 — J.C.C. Pg. 151) in the block bounded by Livernois Avenue, 120 feet wide, Military Avenue, 65 feet wide, Buchanan Avenue, 60 feet wide, and Michigan Avenue, 120 feet wide, into a private easement for utilities.

The request was 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.

If the petitioner at any time plans to discontinue use of the paved alley entrance (into Livernois Avenue), the petitioner shall pay all incidental removal cost.

All other city departments and private owned utility companies have reported no objections to the conversion of the public rights-of-way into a private easement for utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
WILLIAM TALLEY
Head Engineer
City Engineering Division — DPW
By Council Member Everett;

Resolved, All that part of Lots 82 and 83 of the "Plat of the Subdivision of the Estate of Stephen Livernois" being part of P.C. 574 recorded September 28, 1874 as recorded in Liber 180, Page 343, 344 and

345, Deeds, Wayne County Records, described as follows: commencing at the Southeast corner of Lot 1 in the "Plat of Stark's Subdivision" of Lots 55 and 56 of the Estate of Stephen Livernois on P.C. 574, Springwells (Now Detroit) Wayne County Michigan, T. 2. S. R. 11. E. 24 recorded in Liber 6 Page 57, Plats, Wayne County Records; thence S28°E, 74.38 feet to the point of beginning; thence S89°31'W, 96.97 feet; thence S29°E, 19.73 feet; thence N89°31'E, 96.97 feet; thence N28°W, 19.73 feet to the point of beginning, (being Dedicated to the City of Detroit on October 3, 1898 — J.C.C. Pg. 151);

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 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, telephones, 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, telephones 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 not any property damaged by the utility companies, other than that specifically provided 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.

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 easements, 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 2, 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 return at the entrance (into Livernois Avenue), 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

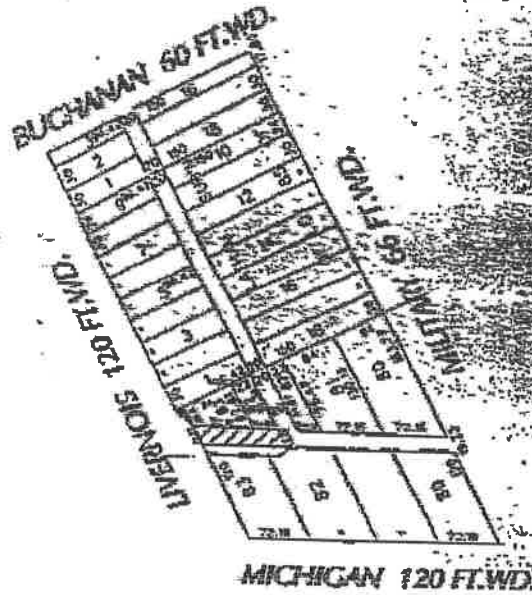
Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Resolved, The Planning and Development Department Director is hereby authorized to issue a quit-claim deed to transfer the following vacated public right-of-way for the fair market value and/or other valuable consideration:

Land in the City of Detroit, County of Wayne, State of Michigan; All that part of

Lots 82 and 83 in the "Plat of the Subdivision of the Estate of Stephen Livernois" being part of P.C. 574 recorded September 28, 1874 as recorded in Liber 180, Page 343, 344 and 345, Deeds, Wayne County Records, described as follows: commencing at the Southeast corner of Lot 1 in the "Plat of Stark's Subdivision" of Lots 55 and 56 of the Estate of Stephen Livernois on P.C. 574, Springwells (Now Detroit) Wayne County Michigan, T. 2. S. R. 11. E. as recorded in Liber 6 Page 57, Plats, Wayne County Records; thence S28°E, 74.38 feet to the point of beginning; thence S89°31'W, 96.97 feet; thence S29°E, 19.73 feet; thence N89°31'E, 96.97 feet; thence N28°W, 19.73 feet to the point of beginning.

SECTION NO. 2478
 MICHIGAN IMPROVEMENTS INC.
 27745 W. EIGHT MILE RD.
 C/O ANTHONY VOLPE
 PHONE NO. 313-583-7900

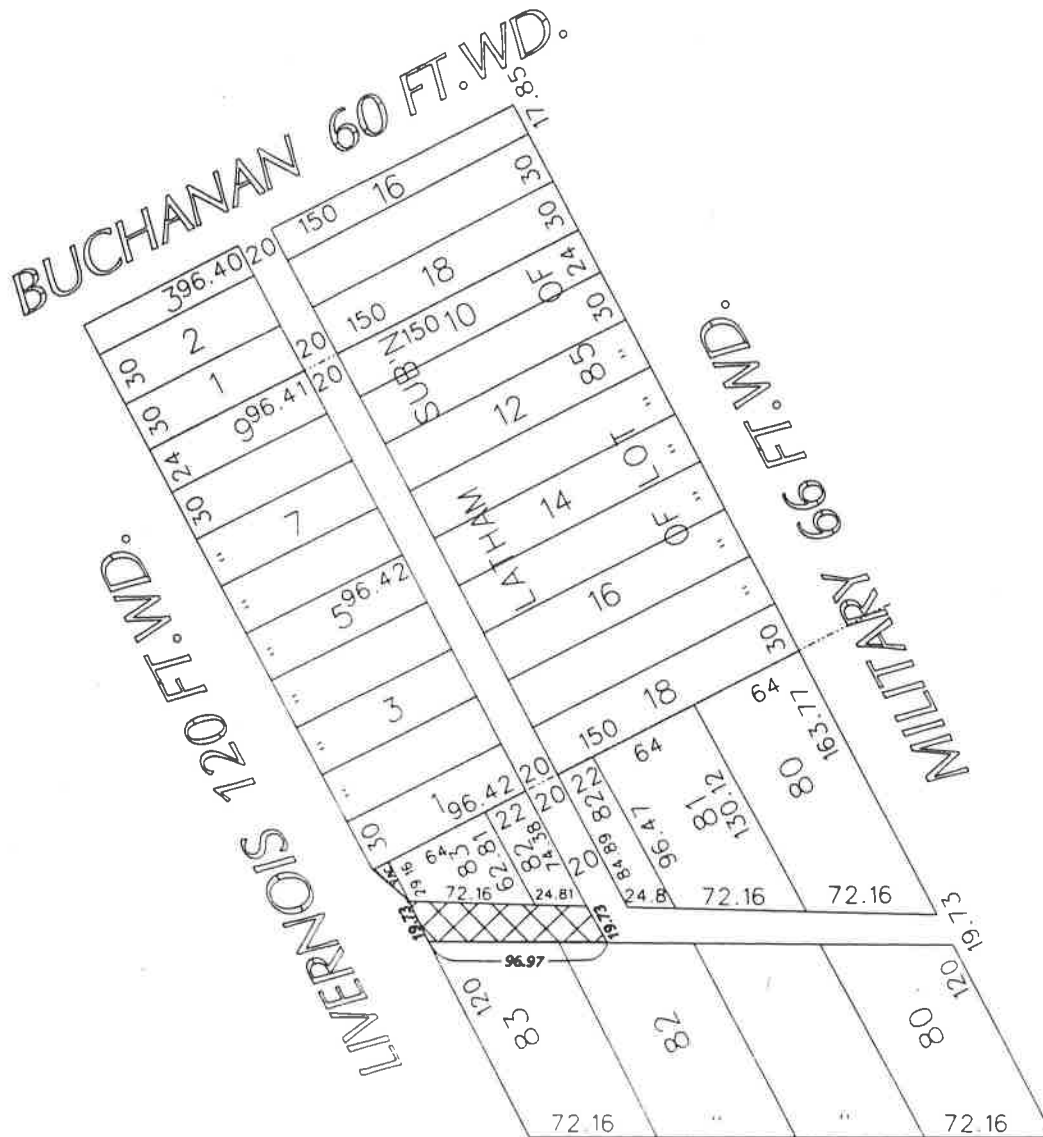


PROPOSED CONVERSION TO PARKING

CITY OF DETROIT	
CITY ENGINEER REGISTRATION	
PROJECT NO. 01-01	
DATE: 12/15/01	
DRAWN BY: [Signature]	

Adopted as follows:
 Yeas — Council Members Bates, K.
 Cockrel, Jr., S. Cockrel, Collins, Everett,
 McPhail, Tinsley-Talabi, Watson, and
 President Mahaffey — 9.
 Nays — None.

PETITION NO 2478
 MICGIGAN/ LIVERNOIS LLC
 21745 W. EIGHT MILE RD.
 c/o ANTHONY YOUSIF
 PHONE NO. 313-583-7900



MICHIGAN 120 FT.WD.



- REQUESTED OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 13 E

B					
A					
	DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS					
	DRAWN BY	CHECKED			
	DATE	APPROVED			
	NP				
	04-08-05				

REQUESTED TO OUTRIGHT VACATED
 A PORTION OF THE EAST-WEST PUBLIC
 EASEMENT IN THE BLK. BND. BY MICHIGAN,
 BUCHANAN, LIVERNOIS, AND MILITARY.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x2478admend05.dgn