

City of Detroit
OFFICE OF THE CITY CLERK

Jackie L. Currie
City Clerk

Vernon C. Allen
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

March 23, 2005

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/

3507 **Eastside Land, Inc., - Land Assembly for Neighborhood Development, for outright vacation and conversion to easement of alley in area of Lozier, Mack, Manistique, and Ashland Streets.**

RECEIVED
CITY ENGINEERING DIVISION
MAR 31 2005

By _____

Foster

3507

LAND ASSEMBLY for NEIGHBORHOOD DEVELOPMENT

17 March 2005



City of Detroit
Jackie L. Currie, City Clerk @ 313-224-1466
200 Coleman A. Young Municipal Center
Two Woodward Avenues
Detroit, MI 48226

2004 Board of Directors

- Michael Tyson, Bank One
Chair
- Delbert Brown, City of Detroit
Treasurer
- Maggie DeSantis- WCDC
Executive Director
- Cecilia Walker, City of Detroit
Secretary
- Elizabeth Pachatz, Vice Chair
Jefferson East Business
Association
- Michael Burns, 5th Bank
- Jacquelyn Martin
Resident

Re: Petition for the outright vacation and conversion to easement of the alleyways located within the area bounded by Lozier (north), Mack (south), Manistique (west), and Ashland (east).

Ms. Currie:

Eastside LAND, Inc. in conjunction with the Mack Alter LLC is requesting a petition number for the vacation of the above alleys. We are working to develop one acre of commercial frontage on Mack between Manistique and Ashland Road. In general, this project will provide approximately 10,000 square feet of retail space and approximately 20 jobs.

In order to proceed with this plan, it will be necessary to request the vacation and easement of the east/west alleyway described above and an outright vacation of the portion of the north/south alleyway abutting lots 220, 219, 218, 408, 407, 406, and 405. In addition, it will be necessary to convert the remaining north/south alley to easement. Please consider this letter a petition for outright vacation and conversion to easement. We will collect the required signatures of property owners.

This project represents an important financial commitment to commercial development and neighborhood reinvestment in the City of Detroit. We respectfully request your assistance in this project.

Sincerely yours,

Maggie DeSantis
Executive Director

cc: James Foster @ 313-224-3471

11148 Harper Avenue
Detroit Michigan 48213
Phone: 313-571-2800
Fax: 313-571-7510
www.warrenconner.org

Working in partnership with Warren/Conner Development Coalition to revitalize Detroit's eastside by facilitating appropriate, sustainable, and community oriented development.



2004 Board of Directors

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Michael Burns, 5th/3rd Bank

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LAND ASSEMBLY for NEIGHBORHOOD DEVELOPMENT

28 March 2005

Mr. James Foster
City of Detroit
Planning & Development Department
65 Cadillac Square, Suite 1000
Detroit, MI 48226

RECEIVED
CITY ENGINEERING DIV.-DPW

MAR 30 2005

By _____

**RE: Mack-Alter Square Alley Vacation
Petition Number - 3507**

Mr. Foster:

Eastside LAND, Inc. has partnered with Michael Curis and Mark Thomas of Mack-Alter LLC to develop the above mentioned site. We have been working on this project for the past four years and are preparing to begin construction on phase IV of Mack Alter Square. We submitted our alley vacation request to the City Clerk and received petition number 3507. We are nearing completion of the land assembly stage. The street and alley vacations are the final step before we can begin construction. We ask for your continued support in accomplishing this task.

Thank you very much for your time and consideration with respect to this project. I appreciate the professionalism that you and Mr. Noel Perry have displayed in bringing this development to fruition. If you have any questions or concerns about our vacation request please contact Scott Benson @ 313-267-1107.

Sincerely,

Scott R. Benson

Working in partnership with Warren/Conner Development Coalition to revitalize Detroit's eastside by facilitating appropriate, sustainable, and community oriented development.

WARREN/CONNER DEVELOPMENT COALITION
REAL ESTATE DIVISION
11148 HARPER AVE. DETROIT, MICHIGAN 48213
313-267-1107 (PHONE)
313-571-2067 (FAX)

FACSIMILE TRANSMITTAL SHEET

TO: MR. JAMES FOSTER & MR. NOEL
PERRY

FROM: Scott Benson

COMPANY: ENGINEERING

DATE: 28 MAR 05

FAX NUMBER: @ (313) 224-3471

TOTAL NO. OF PAGES INCLUDING COVER:
02

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE:

YOUR REFERENCE NUMBER:

" URGENT " FOR REVIEW " PLEASE COMMENT " PLEASE REPLY " PLEASE RECYCLE
NOTES/COMMENTS:

JAMES & NOEL,

PLEASE FIND ATTACHED THE LETTER WITH OUR PETITION NUMBER.

LAND ASSEMBLY for NEIGHBORHOOD DEVELOPMENT



2004 Board of Directors

Michael Tyson, Bank One
Chair

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28 March 2005

Mr. James Foster
City of Detroit
Planning & Development Department
65 Cadillac Square, Suite 1000
Detroit, MI 48226

**RE: Mack-Alter Square Alley Vacation
Petition Number - 3507**

Mr. Foster:

Eastside LAND, Inc. has partnered with Michael Curis and Mark Thomas of Mack-Alter LLC to develop the above mentioned site. We have been working on this project for the past four years and are preparing to begin construction on phase IV of Mack Alter Square. We submitted our alley vacation request to the City Clerk and received petition number 3507. We are nearing completion of the land assembly stage. The street and alley vacations are the final step before we can begin construction. We ask for your continued support in accomplishing this task.

Thank you very much for your time and consideration with respect to this project. I appreciate the professionalism that you and Mr. Noel Perry have displayed in bringing this development to fruition. If you have any questions or concerns about our vacation request please contact Scott Benson @ 313-267-1107.

Sincerely,

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

Scott R. Benson

11148 Harper Avenue

Detroit Michigan 48213

Phone: 313-571-2800

Fax: 313-571-7510

www.warrenconner.org

Working in partnership with Warren/Conner Development Coalition to revitalize Detroit's eastside by facilitating appropriate, sustainable, and community oriented development.

January 22, 2007

Honorable City Council:

RE: Petition No. 3507 – Eastside Land Inc., - Land Assembly For Neighborhood Development, request for outright vacation and conversion to easement of the alleys in the area of Lozier, Mack, Manistique, and Ashland Streets.

Petition No. 3507 of “Eastside Land Inc., - Land Assembly For Neighborhood Development” whose address is 11148 Harper Avenue, Detroit, Michigan 48213 request for the outright vacation and conversion to easement of the East – West and the North – South public alleys, 18 feet wide, in the block bounded by Mack Avenue, 120 feet wide, Lozier Avenue, 60 feet wide, Manistique Avenue, 60 feet wide, and Ashland Avenue, 60 feet wide. This request is to facilitate the construction on phase IV of the Mack Alter Square, a 10,000 square feet retail space.

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.

Eastside Land Inc. – Land Assembly For Neighborhood Development (the Petitioner) have made several attempts over the past year and a half to secure 100% of abutting property owners consent to the North – South public alley closure in the block bounded by Mack Avenue, Lozier Avenue, Manistique Avenue, and Ashland Avenue. The last attempt by the petitioner was another mass mailing. The letters were returned to sender as undeliverable, vacant land, and/or there was no response back from the property owner. The original letters are on file with City Engineering Division – DPW.

I, Noel Perry, Supervisor of Maps and Records, for the City Engineering Division – DPW went on a site visit to investigate and take pictures of the conditions of the North – South public alley in the block bounded by Mack Avenue, Lozier Avenue, Manistique Avenue, and Ashland Avenue on December 15, 2006 and found that the North – South public alley was overgrown with weeds, trees, and debris. The homes that are occupied on Manistique Avenue and Ashland Avenue do not have garages that need access from the alley. From my observation the alley is not being utilized for any reason.

The Detroit Water and Sewerage Department (DWSD) reports no objections to the conversion to easement and the outright vacation of the alleys provided that the existing sewers are relocated. All the work necessary to relocate the sewers is to be done at the Petitioner's expense according to plans approved by DWSD. The construction is to be done under DWSD's permit and inspection and the Petitioner is to provide a suitable easement for the sewers.

The Public Lighting Department (PLD) reports a cost of \$191,000.00 for the relocation of the underground and overhead primary feeders in the alleys proposed to be vacated. PLD also have a street lighting circuit running in the area requested for vacation. PLD will remove fixtures at no cost to the petitioner after notification from the City Engineering Department and/or City Clerk's Office. PLD require 24-hour access for heavy vehicles for maintenance of our installations in the area requested for easement.

Comcast Cablevision reports a cost of \$457.79 for the removing and/or rerouting such services.

AT&T Communications reports there would be a charge to the customer to Relocate AT&T facilities.

All other City departments and privately owned utility companies have reported no objections to the conversion easement and outright vacation of public rights-of-way. Provisions protecting utility installations are part of the resolution.

This resolution is attached for your Honorable Body for consideration.

Respectfully submitted,



Nadim Haidar, Acting Head Engineer
City Engineering Division – DPW

NRP/

Cc: Cathy Square, Director – DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, All that part of the East – West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lots 11 through 20, both inclusive, and lying Southerly of and abutting the South line of Lots 218 and 408 all in the “Edwin Lodge Subdivision” of part of P.C. 120 North of Mack Avenue Township of Gratiot and Grosse Pointe (now City of Detroit), Wayne County, Michigan as recorded in Liber 35 Page 10, Plats, Wayne County Records;

Also, all that part of the North – South public alley, 18 feet wide, lying Easterly of and abutting the East line of Lots 405 through 408, both inclusive, and lying Westerly of and abutting the West line of Lots 218 through 220, both inclusive, all in the “Edwin Lodge Subdivision” of part of P.C. 120 North of Mack Avenue Township of Gratiot and Grosse Pointe (now City of Detroit), Wayne County, Michigan as recorded in Liber 35 Page 10, Plats, Wayne County Records;

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

PROVIDED, That the Petitioner (Petition No. 3507) shall design and construct proposed sewers as required by the Detroit Water and Sewerage Department (DWSD); and be it further

PROVIDED, that the plans for the proposed sewers shall be prepared by a registered Engineer; and be it further

PROVIDED, That DWSD be and is hereby authorized to review the drawings for the proposed sewers and to issue permits for the construction of the sewers; and be it further

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

PROVIDED, that the entire cost of the proposed sewers, including construction, including inspection, survey and engineering shall be borne by the Petitioner; and be it 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 cost of these services; and be it further

PROVIDED, That the Petitioner shall grant the City of Detroit a satisfactory easement for sewers, as required, before start of construction; and be if further

PROVIDED, that the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; and be it further

PROVIDED, that the petitioner shall provide DWSD with as-built drawings of the sewers; and be it further

PROVIDED, that the Petitioner shall provide a one (1) year warranty for the sewers; and be if further

PROVIDED, that upon satisfactory completion, the sewers shall become City property and become part of the City System; and be if further

PROVIDED, That all cost for removing and/or relocating for The Public Lighting Department, Comcast Cablevision, and AT&T/SBC Telecommunication within the project area are part of the project expenses and/or Eastside Land Inc., - Land Assembly For Neighborhood Development expenses;

RESOLVED, All that part of the North – South public alley, 18.00 feet wide in the block bounded by Mack Avenue, 120 feet wide, Lozier Avenue, 60 feet wide, Manistique Avenue, 60 feet wide, and Ashland Avenue, 60 feet wide, lying Easterly of and abutting the East line of Lots 221 through 245, both inclusive, and lying Westerly of and abutting the West line of Lots 380 through 404, both inclusive, all in the “Edwin Lodge Subdivision” of part of P.C. 120 North of Mack Avenue Township of Gratiot and Grosse Pointe (now City of Detroit), Wayne County, Michigan as recorded in Liber 35 Page 10, Plats, Wayne County Records;

Be and the same is hereby vacated as public alleys and is hereby converted into private easements for public utilities of the full width of the alleys, which easements 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 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 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 the 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; and further

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 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; and further

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, shall be built or placed upon said easements, nor change of surface grade made, without prior approval of the City Engineering Division – DPW; and further

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; and further

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 costs incidental to the repair of such broken or damaged utility; and further

PROVIDED, That if it becomes necessary to remove the paved alley return at the entrances (into Lozier Ave.), 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 further

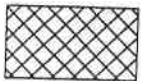
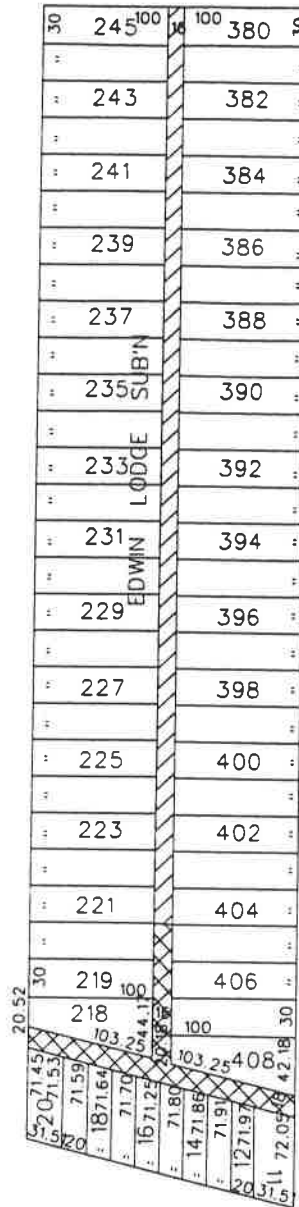
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.



LOZIER AVE. 60 FT.WD.

MANISTIQUE 60 FT.WD.

ASHLAND 60 FT.WD.



- REQUESTED OUTHRIGHT VACATION



- REQUESTED CONVERSION TO EASEMENT

MACK 120 FT.WD.

(FOR OFFICE USE ONLY)

CARTO 63 A

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

REQUESTED TO OUTHRIGHT VACATE THE EAST-WEST AND A PORTION OF THE NORTH-SOUTH PUBLIC ALLEYS, AND CONVERT TO EASEMENT THE REMAINING PORTION OF THE NORTH-SOUTH PUBLIC ALLEY 16 FT.WD. ALL IN THE AREA OF MACK, LOZIER, MANISTIQUE, AND ASHLAND.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x3507.dgn



2006 Board of Directors

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Community Resident

Cecilia Walker - Secretary

Delbert Brown - Treasurer
City of Detroit Airport

Maggie DeSantis - W/CDC
President

Jacquelyn Martin -
Community Resident

Alan Scott White—
Wise Commercial Real Estate

Cynthia Garrett -
USNAPBAC

Gregory McDuffee -
Detroit Wayne County Building
Authority

LAND ASSEMBLY for NEIGHBORHOOD DEVELOPMENT

5 December 2006

Mr. Noel Perry
City of Detroit
Planning & Development Department
65 Cadillac Square, Suite 1000
Detroit, MI 48226

RECEIVED
CITY ENGINEERING DIV.-DPW

DEC - 8 2006

**RE: Mack-Alter Square Alley Vacation
Petition Number - 3507**

By _____

Mr. Perry:

Eastside LAND, Inc. has partnered with Alpha Restaurant Group to develop the above mentioned site. We have been working on this project for the past six years and are preparing to begin construction on a stand alone restaurant. We submitted our alley vacation request to the City Clerk and received petition number 3507.

We have completed the land assembly stage and want to move forward with the rights of way vacation process, as the alley vacation is the final step before we can begin construction. I have attached the petitions that were signed by a majority of the residents. In addition, I have included copies of returned letters requesting absentee property owners to sign the petition. As per your suggestion we mailed letters to absentee property owners twice and received the same non-response. At this time we are prepared to go before the City Council to request their approval for the vacation.

Thank you very much for your time and consideration with respect to this project. If you have any questions or concerns about our vacation request please contact Scott Benson @ 313-267-1107.

Sincerely,


Scott R. Benson

11148 Harper Avenue
Detroit Michigan 48213
Phone: 313-571-2800
Fax: 313-571-7510
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PETITION FOR CONVERSION OF ALLEY TO EASEMENT

Detroit, MICHIGAN

2006

TO THE HONORABLE, THE CITY COUNCIL:

Gentlemen: We, the undersigned, owners in fee of the property abutting the alley SOUTH of LOZIER, WEST of ASHLAND, EAST of MANISTEE, NORTH of MACK
Location of Alley

do respectfully petition your Honorable Body to vacate said alley and convert same into a public easement.

Further, the undersigned, representing not less than two-thirds (^{100% COMMERCIAL alley}~~66 2/3%~~) ownership of property abutting said alley hereby agree that all existing utilities in said alley are to remain in their present location, and that if at any time in the future a request is made to remove or relocate any existing poles or other utilities in the easement, the property owners making such request and upon whose property the pole or other utilities are located will pay all costs incidental to such removal or relocation, unless such charges are waived by the utility owners.

We do further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon the easement or any part thereof, so that said easement shall be forever accessible for maintenance of utilities.

SPONSORING PETITIONER LAND INC ^{DET, MI 48243} 11148 HARPER AVE 313-267-1107
(Name) (Address) (Phone No.)

LOT NO.	SIGNATURE OF DEED HOLDER	SIGNATURE OF WIFE OR OTHER CO-OWNER	ADDRESS	DATE
	Roy Sturdewan	Roy Sturdewan	3837 Ashland	9/9/06

PETITION FOR CONVERSION OF ALLEY TO EASEMENT

Detroit, MICHIGAN 2006

TO THE HONORABLE, THE CITY COUNCIL:

Gentlemen: We, the undersigned, owners in fee of the property abutting the alley SOUTH of LOZIER, WEST of ASHLAND, EAST of MANISTIQUE, NORTH of MACK
Location of Alley

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SPONSORING PETITIONER LAND INC ^{DET, MI 48243} 11148 HARPER AVE 313-267-1107
(Name) (Address) (Phone No.)

LOT NO.	SIGNATURE OF DEED HOLDER	SIGNATURE OF WIFE OR OTHER CO-OWNER	ADDRESS	DATE
	<i>[Signature]</i>	<i>Ranisa Coulter</i>	3759 Ashland	135406
	VACANT 640.0100		2765 Ashland	
	CLARA DORRIS	CLARA DORRIS	3771 Ashland will come back	
	Lee Living		3801 Ashland	13SEP06
	Ted Parker	Ted PARKER	3806 Manistique	
	Robert Jones	<i>[Signature]</i>	1470 MACK	9/13/2006
	Antonia Jay	Antonia JAY	3700 Haverhill	

PETITION FOR CONVERSION OF ALLEY TO EASEMENT

Detroit, MICHIGAN

2006

TO THE HONORABLE, THE CITY COUNCIL:

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Location of Alley

do respectfully petition your Honorable Body to vacate said alley and convert same into a public easement.

Further, the undersigned, representing not less than two-thirds (~~66.7%~~ ^{100% COMMERCIAL alley}) ownership of property abutting said alley hereby agree that all existing utilities in said alley are to remain in their present location, and that if at any time in the future a request is made to remove or relocate any existing poles or other utilities in the easement, the property owners making such request and upon whose property the pole or other utilities are located will pay all costs incidental to such removal or relocation, unless such charges are waived by the utility owners.

We do further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon the easement or any part thereof, so that said easement shall be forever accessible for maintenance of utilities.

SPONSORING PETITIONER LAND INC ^{DET, MI 48203}
(Name) 11148 HARPER AVE 313-267-1107
(Address) (Phone No.)

LOT NO.	SIGNATURE OF DEED HOLDER	SIGNATURE OF WIFE OR OTHER CO-OWNER	ADDRESS	DATE
		LAND, INC.	14711 MACK	18 SEP 06
			14713 MACK	
			14717 MACK	
			14721 MACK	
			14723 MACK	
405			3747 ASHLAND	
406			3741 ASHLAND	
407			3735 ASHLAND	
408			3729 ASHLAND	
218			3727 MANISTIQUE	
219			3730 MANISTIQUE	
220			3736 MANISTIQUE	