

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

Departmental Reference Communication

February 8, 2006

To: The Department or Commission Listed Below

From: The City Clerk

AMENDMENT

Herewith, the following referral is a copy of **Petition No. 3705**

/PLANNING AND DEVELOPMENT DEPARTMENT/

3705 Fellowship Associates, LLC, request to temporarily fence the following streets to prevent dumping in area of Lindsay, Gilcrest, Biltmore, McNichols, and Santa Maria.

Attached please find additional documentation for the above mentioned petition.

**PETITIONER IS AMENDING REQUEST TO: VACATION OF
AFOREMENTIONED STREETS. See Attached.**

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

RECEIVED
CITY CLERK
FEB 14 2006

By _____

CEJ
KNOW



3705

February 27, 2006

City of Detroit
City Clerks Office
2 Woodward Avenue
200 Coleman A. Young Municipal Building
Detroit, MI 48226

2006 MAR - 8 P 3:00
DETROIT
CITY CLERK

Re: Village Estate
Amendment to Petition No. 3705

Attn: Petition Clerk, Jessie Robertson,

Fellowship Associates would like to amend Petition No. 3705. Originally, our request was to secure the site with a temporary fence in order to limit access, to control dumping and to provide a safer environment. We are now proposing to vacate the project site in order to move the development forward. Our request is to vacate Lindsay, Gilcrest, and Biltmore streets up to the alley north of McNichols. (See attached site plan).

Upon completion of City reviews and approvals, and in partnership with the Amandla Community Development Corporation the site will be developed as a condominium site which will include single family homes, townhomes, and stacked units providing 125 newly constructed homes. The proposed site plan along with other related information has been submitted to various city departments for initial review along with an updated NEZ application.

If you should have any questions, please feel free to contact me by calling (313)340-0916.

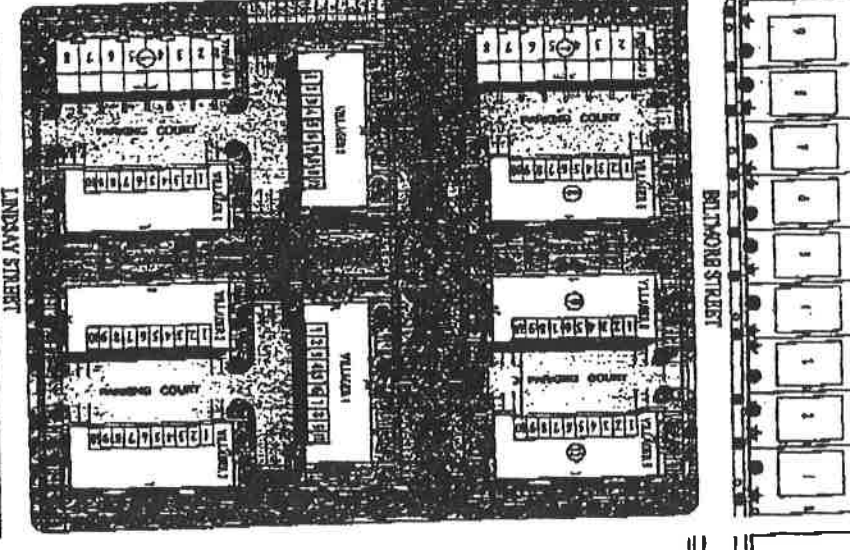
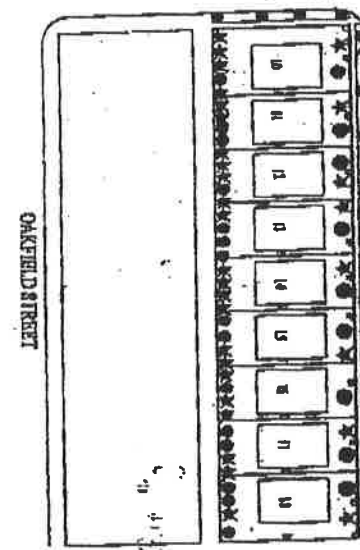
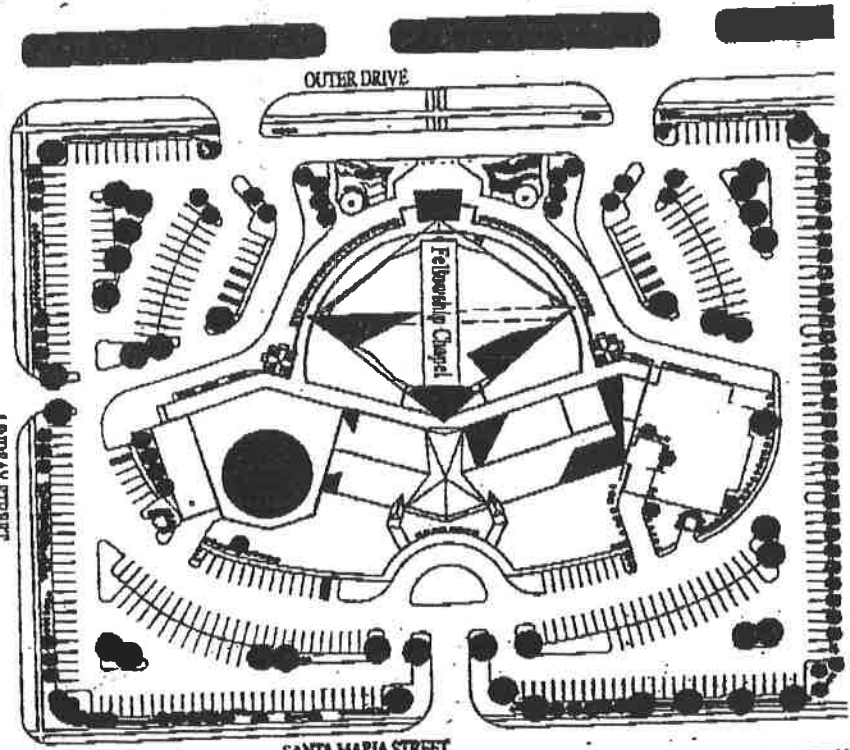
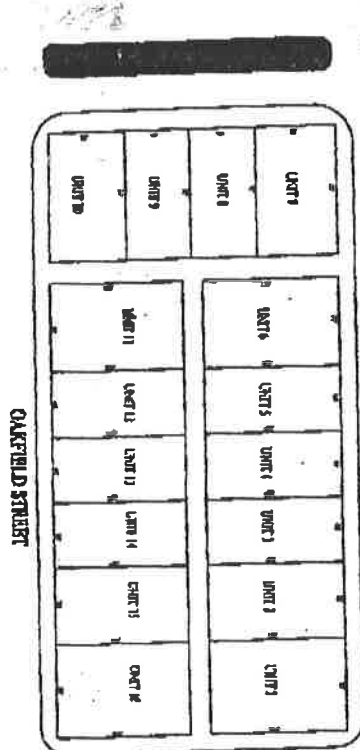
Thank you,

Felicia Turner
Executive Director
Amandla Community
Development Corporation/
Joint Venture Partner
Fellowship Associates

Amandla Community Development Corporation
6071 W. Outer Drive, Ste. L - 433A
Detroit, MI 48235
PH: (313)340-0916
FAX: (313)340-0921

Strather & Associates
300 River Place, Ste 6600
Detroit, MI 48207
PH: (313)446-6900
FAX: (313)446-8905

Web Address: Villageestatesdetroit.com



McNICOLS

January 6, 2007

Honorable City Council:

RE: Petition No. 3705 – Fellowship associates LLC/Amandla Community Development Corporation request to vacate certain public rights-of-way in the area of West Outer Drive, West McNichols, Oakfield, and Ferguson.

Petition No. 3705 of “Fellowship associates LLC/Amandla Community Development Corporation”, whose address is 6071 West Outer Drive, Suite L-433A, Detroit, Michigan 48235 contact Felicia Turner – Phone number 313-340-0916, request for the outright vacation and conversion to easement of certain rights-of-way in the block bounded by West Outer Drive, 150 feet wide, West McNichols Avenue, 96 feet wide, Oakfield Avenue, 60 feet wide, and Ferguson Avenue, 50 feet wide. This request is to facilitate the Developer a build able parcel of land to construct 125 new single-family homes and town homes.

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

Amandla Community Development Corporation/ Joint Venture Partner Fellowship Associates (the Petitioner) have made several attempts to secure 100% of abutting property owners consent to the North – South public alley(s) closure in the block bounded by Oakfield Avenue, Santa Maria Avenue, Lindsay Avenue, and West McNichols Avenue; Also the North – South alley in the block bounded by Oakfield Avenue, Santa Maria Avenue, Lindsay Avenue, and West Outer Drive. The petitioner has on file with City Engineering Division – DPW certified letters that was sent to the abutting owners. These certified letters were sent back as undeliverable and/or no response was returned. The petitioner also went door to door on more than one occasion to acquire a signature of consent. The petitioner has provided City Engineering Division – DPW with Notarized letters, one from Delois Orr, Vice President of Stratus Security Management Inc., who states that she and Felicia Turner, the Executive Director of the Amandla Community Development Corporation, went door to door on or about June 6, 2006 to secure signatures for the consent to close said alleys. There is a second letter from Patricia Neal, a volunteer, who also states that she and Felicia Turner went door to door on August 4, 2006 to secure signatures for the consent to close said alleys for a second time.

I, Noel Peiry, Supervisor of Maps Records, for the City Engineering Division – DPW went on a site visit to take pictures of the North – South public alleys in the area of West Outer Drive, West McNichols Avenue, Oakfield Avenue, and Lindsay Avenue on the December 13, 2006 and found that the North – South public alley in the block bounded by Oakfield Avenue, Santa Maria Avenue, Lindsay Avenue, and West McNichols Avenue is not being used by the abutting property owner. The said alley is overgrown with weeds, trees, and debris as shown on pictures on file in the City Engineering Division – DPW office. I, also took pictures of the North – South public alley in the block bounded by Oakfield Avenue, Santa Maria Avenue, Lindsay Avenue, and West Outer Drive and found that the property owners to the south of said alley have already fenced half, if not more, as part of their property. The said alley is also overgrown with weeds, trees, and debris as shown on pictures on file in the City Engineering Division – DPW office. All of the said alleys are not passable to vehicular traffic and/or pedestrian traffic; furthermore, there are no garages with access off the North – South public alleys in said areas.

The Fire Department reports that fire-fighting access must be maintained until area is void of any properties and/or structures.

The Traffic Engineering Division – DPW reports that the East – West public alleys North of West McNichols Avenue and between Ferguson Avenue and Oakfield Avenue must stay open to maintain access for vehicular traffic at all times.

The Public Lighting Department (PLD) reports PLD an estimated cost of \$55,000.00 for the relocation of facilities in said area. PLD also have residential streetlights on Gilchrist Avenue, and Biltmore Avenue, PLD will remove PLD Street Lighting wires and poles at the project cost. Please note that the above figure is only tentative estimate, base on the projected scope of work as it appears at present.

The Detroit Water and Sewerage Department (DWSD) reports the outright vacation of Gilchrist Avenue and the North – South alleys located east of and west of Gilchrist Avenue between Santa Maria Avenue and West McNichols Avenue have existing DWSD sewers and water mains located within said public rights-of-way. DWSD has no objections to the requested outright vacations provided the petitioner relocates the water main and sewers at no cost to DWSD. In addition, the sewers and water mains are to be constructed in accordance with plans approved by DWSD and under DWSD's permit and inspection. The requirements and provisions for the relocation of water mains and sewers are to be included in the resolution.

Also, the conversion to easement of the North – South public alleys in the area of Oakfield Avenue, West Outer Drive, Lindsay Avenue, and West McNichols Avenue have existing sewers located within said alleys. DWSD have no objections to the requested conversion to easement provided that provisions for conversion to easement must be followed and be part of the resolution.

DTE Energy Gas and Electric reports that the Gas Division have a 4-inch cast iron gas main within the public rights-of-way and will abandon the 4-inch cast iron main at an estimated cost of \$3,596.00. The Electric Division has an estimated cost of \$22,000.00 for the removing and/or rerouting of such services.

The Comcast Cablevision reports an estimated cost of \$937.00 for the removing and/or rerouting of such services.

AT&T Telecommunication reports that a cost will be incurred to move existing telephone cable facilities, which currently serve the Fellowship Church at 7707 West Outer Drive. The petitioner/Fellowship Associates needs to contact AT&T – Customer Growth Group to initiate the cost process.

All other city departments and private utility companies have reported no objections to the changes of the public rights-of-way. Provisions protecting utility installations are part of this resolution (if necessary).

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

RESOLVED, All that part Gilchrist Avenue, 60 feet wide, between Santa Maria Avenue, 60 feet wide, and West McNichols Avenue, 96 feet wide, lying Westerly of and abutting the West line of Lots 137 through 150, both inclusive, and lying Easterly of and abutting the East line of Lots 123 through 136, both inclusive, all in the "B.E. Taylor's Nineteen Twenty-Two Subdivision" lying North of Grand River Avenue being a part of the Southwest $\frac{1}{4}$ of Section 12, T.1S.R.10E., Redford Township (now city of Detroit), Wayne County, Michigan as recorded in Liber 43 Page 82, Plats, Wayne County Records;

Also, All that part of the North – South public alley, 16.69 feet wide, in the block bounded by Biltmore Avenue, 50 feet wide, Gilchrist Avenue, 60 feet wide, Santa Maria Avenue, 60 feet wide, and West McNichols Avenue, 96 feet wide, lying Westerly of and abutting the West line of Lots 146 through 159, both inclusive, in the " B.E. Taylor's Elmoor Subdivision" lying North of Grand River Avenue, being a part of the Southwest $\frac{1}{4}$ of Section 12 T.1S.R.10E., Redford Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 43 Page 92, Plats, Wayne County Records; and lying Easterly of and abutting the East line of Lots 137 through 150, both inclusive, in the "B.E. Taylor's Nineteen Twenty-Two Subdivision" lying North of Grand River Avenue being a part of the Southwest $\frac{1}{4}$ of Section 12, T.1S.R.10E., Redford Township (now city of Detroit), Wayne County, Michigan as recorded in Liber 43 Page 82, Plats, Wayne County Records;

Also, All that part of the North – South public alley, 18 feet wide, in the block bounded by Santa Maria Avenue, 60 feet wide, and West McNichols Avenue, 96 feet wide, Gilchrist Avenue, 60 feet wide, and Lindsay Avenue, 60 feet wide, lying Westerly of and abutting the West line of Lots 123 through 136, both inclusive, and lying Easterly of and abutting the East line of Lots 85 through 98, both inclusive, all in the "B.E. Taylor's Nineteen Twenty-Two Subdivision" lying North of Grand River Avenue being a part of the Southwest $\frac{1}{4}$ of Section 12, T.1S.R.10E., Redford Township (now city of Detroit), Wayne County, Michigan as recorded in Liber 43 Page 82, 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 East – West public alleys North of West McNichols Avenue and between Ferguson Avenue and Oakfield Avenue must stay open to maintain access for vehicular traffic at all times; and be it further

PROVIDED, That the Petitioner (Petition No. 3705) shall design and construct proposed alterations of water mains and sewers as required by the Detroit Water and Sewerage Department (DWSD); and be it further

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

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

PROVIDED, that the entire cost of the proposed alterations, including construction, including inspection, survey and engineering shall be borne by the Petitioner; and be if 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 if further

PROVIDED, That the Petitioner shall grant the City of Detroit a satisfactory easement for alterations, 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 alterations; and be it further

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

PROVIDED, that upon satisfactory completion, the alterations 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, AT&T/SBC Telecommunication, and DTE Energy Gas and Electric Divisions facilities within the project area are part of the project expenses and/or Fellowship associates LLC/Amandla Community Development Corporation expenses;

RESOLVED, All that part of the North – South public alley, 18 feet wide, in the block bounded by Santa Maria Avenue, 60 feet wide, and West McNichols Avenue, 96 feet wide, Lindsay Avenue, 60 feet wide, and Oakfield Avenue, 60 feet wide, lying Westerly of and abutting the West line of Lots 71 through 84, both inclusive, and lying Easterly of and abutting the East line of Lots 33 through 46, both inclusive, all in the “B.E. Taylor’s Nineteen Twenty-Two Subdivision” lying North of Grand River Avenue being a part of the Southwest $\frac{1}{4}$ of Section 12, T.1S.R.10E., Redford Township (now city of Detroit), Wayne County, Michigan as recorded in Liber 43 Page 82, Plats, Wayne County Records;

Also, all that part of the North – South public alley, 18 feet wide, in the block bounded by Santa Maria Avenue, 60 feet wide, West Outer Drive Road, 150 feet wide, Lindsay Avenue, 60 feet wide, and Oakfield Avenue, 60 feet wide, lying Westerly of and abutting the West line of Lots 59 through 70, both inclusive, and lying Easterly of and abutting the East line of Lots 47 through 58, both inclusive, all in the “B.E. Taylor’s Nineteen Twenty-Two Subdivision” lying North of Grand River Avenue being a part of the Southwest $\frac{1}{4}$ of Section 12, T.1S.R.10E., Redford Township (now city of Detroit), Wayne County, Michigan as recorded in Liber 43 Page 82, 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 easements or rights-of-way over said vacated public alleys 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 public alleys in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth; and further

Second, Said utility easements or rights-of-way in and over said vacated alleys 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 easements or rights-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 easements 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 alleys 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; 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 Santa Maria 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

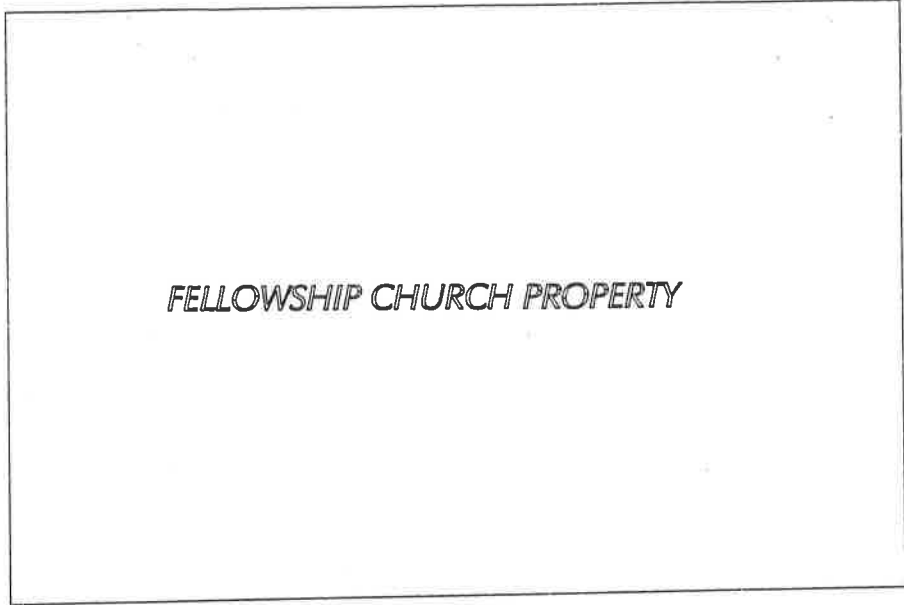
PROVIDED, That the East – West public alleys North of West McNichols Avenue and between Ferguson Avenue and Oakfield Avenue must stay open to maintain access for vehicular traffic at all times; and be it further

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



REVISION!!!

30	33.61	"	"	"	33.61	30
182	181	179	177	175	111.83	111.83
35	56	61	63	65	67	69
35	48	69	70	50	121.83	121.83



SANTA MARIA 60 FT.WD.

34	46	71	73	75	77	79	81	83	84	34
34	44	42	40	38	36	34	33	32	30	20
121.83	121.83	121.83	121.83	121.83	121.83	121.83	121.83	121.83	121.83	20.83

34	98	126	126	123	125	127	129	131	133	135	136	137	150	159	30
34	96	94	92	90	88	86	85	84	83	81	79	77	75	73	71
126	126	126	126	126	126	126	126	126	126	126	126	126	126	126	126

34	132	134	136	140	142	144	145	146	147	149	151	155	157	159	30
34	134	136	138	140	142	144	145	146	147	149	151	155	157	159	30
106.60	106.60	106.60	106.60	106.60	106.60	106.60	106.60	106.60	106.60	106.60	106.60	106.60	106.60	106.60	106.60

OAKFIELD 600 FT.WD.

LINDSAY 60 FT.WD.

BILTMORE 50 FT.WD.

FERGUSON 50 FT.WD.

W. McNICHOLS 96 FT.WD.

- OUTRIGHT VACATION

- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 104 E

B					
A					
	DESCRIPTION	DRWN	CHKD	APPD	DATE
	REVISIONS				
	DRAWN BY	CHECKED			
	DATE	APPROVED			
	NP				
	03-17-06				

REQUESTED OUTRIGHT VACATION AND CONVERSION TO
 EASEMENT OF CERTAIN RIGHTS-OF-WAY
 ALL IN THE AREA OF W. OUTER DR., W. McNICHOLS,
 OAKFIELD, AND FERGUSON.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. x3705.dgn