

City of Detroit

OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, August 15, 2007

To: *The Department or Commission Listed Below*

From: *Janice M. Winfrey, 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.

DPW - CITY ENGINEERING DIVISION PLANNING AND DEVELOPMENT DEPARTMENT

2024 *West 7 Mile Congregational Church of God In Christ, request permit to vacate 10' width of sidewalk along 100' property line at Mendota; as well; to install new sidewalk easement closer to existing curb, north of alley, etc.*

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AUG 23 2007

N/OF SEVEN 7MI

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2027

WEST 7 MILE CONGREGATIONAL CHURCH OF GOD IN CHRIST
10424 WEST 7 MILE RD., DETROIT, MICHIGAN 48235
PHONE 313-863-5255 FAX 313-863-5543
BISHOP HOSEA EVANS, PASTOR

August 13, 2009

Detroit City Council
1340 Coleman A Young Municipal Center
Detroit, Michigan 48232

Dear Honorable Council:

The West Seven Mile Congregational Church of God in Christ owns a lot at 10440 West 7 Mile Rd, north/east corner of Mendota St. The east/west alley, north of West 7 Mile Rd, between Mendota and Birwood Streets, has been closed to accommodate construction of a parking lot for our church (please see City Council Resolution enclosed).

The width of our 10440 West 7 Mile Rd lot, running north and south on Mendota St. is too narrow for our intended purpose. We are petitioning The Honorable Council to vacate 10' width of "sidewalk" easement along the 100' length of our property line on Mendota Street (see exhibit 1). This "sidewalk" easement is currently not in line with the rest of the "sidewalk" easement which lies north of the closed alley (also exhibit 1). Our petition additionally requests the Honorable Council to grant us permission of put in a new "sidewalk" easement closer to the existing curb that will conform to the "sidewalk" easement north of the alley, thereby making the entire "sidewalk" easement consistent for the block on the north/east side of Mendota Street (exhibit 2). We believe our proposal also will enhance the area. From our property line to the existing curb on Mendota Street is an existing 6' wide "sidewalk" easement running parallel to a 13' wide grassy area, and a 2' wide concrete walk way (which serves no purpose). There is ample room for the Honorable Council to grant this petition. We understand the cost of putting in a new sidewalk" easement may be our responsibility.

Exhibit 2 also shows the Honorable Council there is an existing electrical utility pole in the grassy area, west of the existing "sidewalk" easement. If there are any issues the City may have with regard to this pole, we respectfully request the Honorable Council to grant our petition minus the required footage necessary to avoid this pole. Thank you for your consideration.

Sincerely,

Bishop Hosea Evans, Pastor

Bishop Hosea Evans, Pastor

2001 AUG 14 P 1:01

DETROIT
CITY CLERK



TRUE COPY CERTIFICATE

in C. of D. - 16-CF

STATE OF MICHIGAN, }
City of Detroit }

CITY CLERK'S OFFICE, DETROIT

I, JANICE W. WINFREY, City Clerk of the City of Detroit, in said

State, do hereby certify that the annexed paper is a TRUE COPY OF RESOLUTION
adopted (passed) by the City Council at session of

July 28, 2006

and approved by Mayor

August 7, 2006

as appears from the Journal of said City Council in the office of the City Clerk of Detroit, aforesaid;
that I have compared the same with the original, and the same is a correct transcript therefrom, and of the
whole of such original.

In Witness Whereof, I have hereunto set my hand
and affixed the corporate seal of said City, at

Detroit, this 7th

day of December A.D. 2006

Janice W. Winfrey
CITY CLERK

RESOLUTION ADOPTED BY THE DETROIT CITY COUNCIL ON JULY 28, 2006

Department of Public Works
City Engineering Division
July 18, 2006

Honorable City Council:
Enc. Petition No. 0023, West Seven Mile
Congregational Church Of God In
Christ, Inc. request for the vacation of
alley in the west of West Seven Mile
Road, Mendota and Birchwood Avenues.
Petition No. 0023 of West Seven Mile
Congregational Church Of God In Christ,
Inc. request for the vacation of the
East-West public alley, 20 feet wide, in the
block bounded by Cambridge Avenue, 50
feet wide, West Seven Mile Road, 100
feet wide, Mendota Avenue, 60 feet wide,
and Birchwood Avenue, 60 feet wide into a
private easement for utilities. This closed
will facilitate the West Seven Mile
Congregational Church Of God In Christ
development of a new surface parking
area.

The request was reviewed by the
Planning and Development Department,
Solid Waste Division - DPW, and 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 dis-
continue use of the paved alley entrance
into Mendota and Birchwood Avenues, the
petitioner shall pay all incidental
removal costs.

All other city departments and public
utility companies have approved an agree-
ment to the vacation of the public right-
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 Cooper:
Block 10, All part of the East-West
public alley, 20 feet wide, lying Northerly
of and abutting the North line of Lot 1
through 16, both inclusive, in the "College
Wood" being a subdivision of part of the
South 1/2 of the South 1/2 of the
Southeast 1/4 of Section 5 T.15. R.11.E.,
Greenfield Township (now City of Detroit)
Wayne County, Michigan as recorded in
Liber 50 Page 3, Plat, Wayne County
Records; and Lots 307 through 311, both
inclusive, in the "Dunham Subdivision No. 7"
of the South 1/2 of the South 1/2 of the
Southeast 1/4 of Section 5 T.15. R.11.E.,
Greenfield Township (now City of Detroit)
Wayne County, Michigan as recorded in
Liber 49 Page 27, Plat, Wayne County
Records;

Do and the same is hereby vacated as
public alley and is hereby returned into
private easement for public utilities of the
full width of the alley, which easement
shall be subject to the following provisions
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, admin-
istrators 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
within those described for the purposes
of maintaining, building, repairing,
renewing, or replacing public utilities such
as water mains, sewers, gas lines or
mains, telephone, electric-light conduits or
poles or things lawfully 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 pur-
poses above set forth.

Second, said utility easement or right-
of-way in and over said vacated alley
within those described shall be forever
accessible to the maintenance and

inspection forces of the utility companies,
or those specifically authorized by them,
for the purposes of inspecting, installing,
maintaining, repairing, removing, or
replacing any water, conduit, water main,
gas line or main, telephone or light pole or
any utility facility placed or installed in the
public easement or right-of-way. The utility
companies shall have the right to cross or
use the driveway and yards of the abut-
ting properties for ingress and egress at
any time to an over said utility easement
with any necessary equipment to perform
the above enumerated work, with the under-
standing 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 sur-
face grade made, without prior approval of
the City Engineering Division - DPW.

Fourth, That if the owners of any lot
abutting on said vacated alley shall
request the removal of other utilities in said
easement, such owners shall pay all costs
incidental to such removal and/or altera-
tion, 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 installation
but not installation) such as storage of
excessive weights of materials or trans-
formation 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 portion of the
entrance (into Mendota and Birchwood
Avenues), such removal and construc-
tion 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 existing owner(s), their heir or
assigns; and further

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

Adopted as follows:
Vote - Council Members S. Coakley,
Collins, Corbett, Jansz, Karyalva,
Hansen, Trosky-Isabel, Watson, and
President K. Coakley, Jr. - 9.
Nays - None.

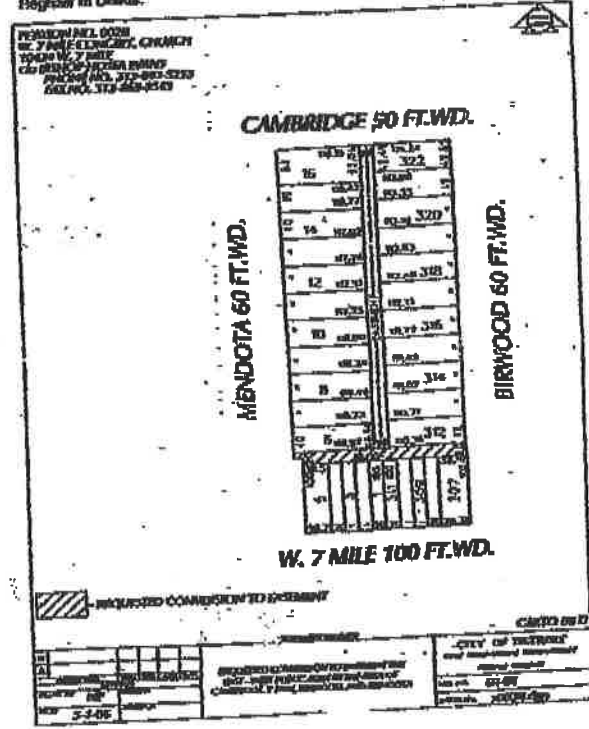
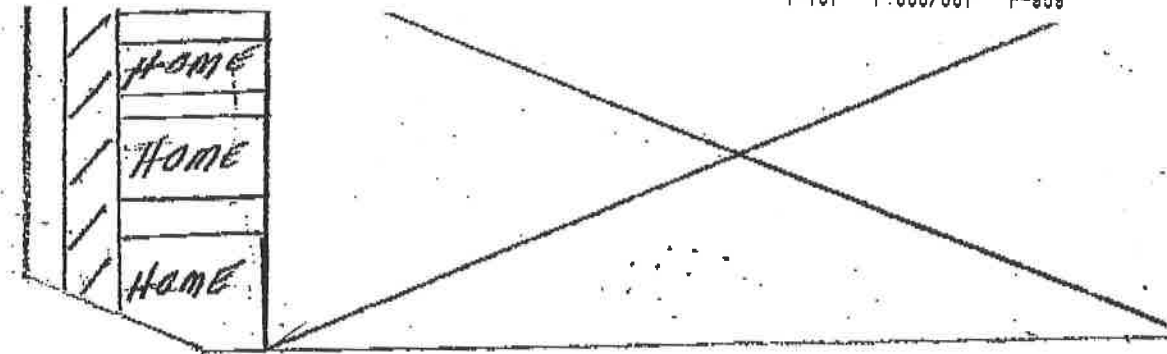
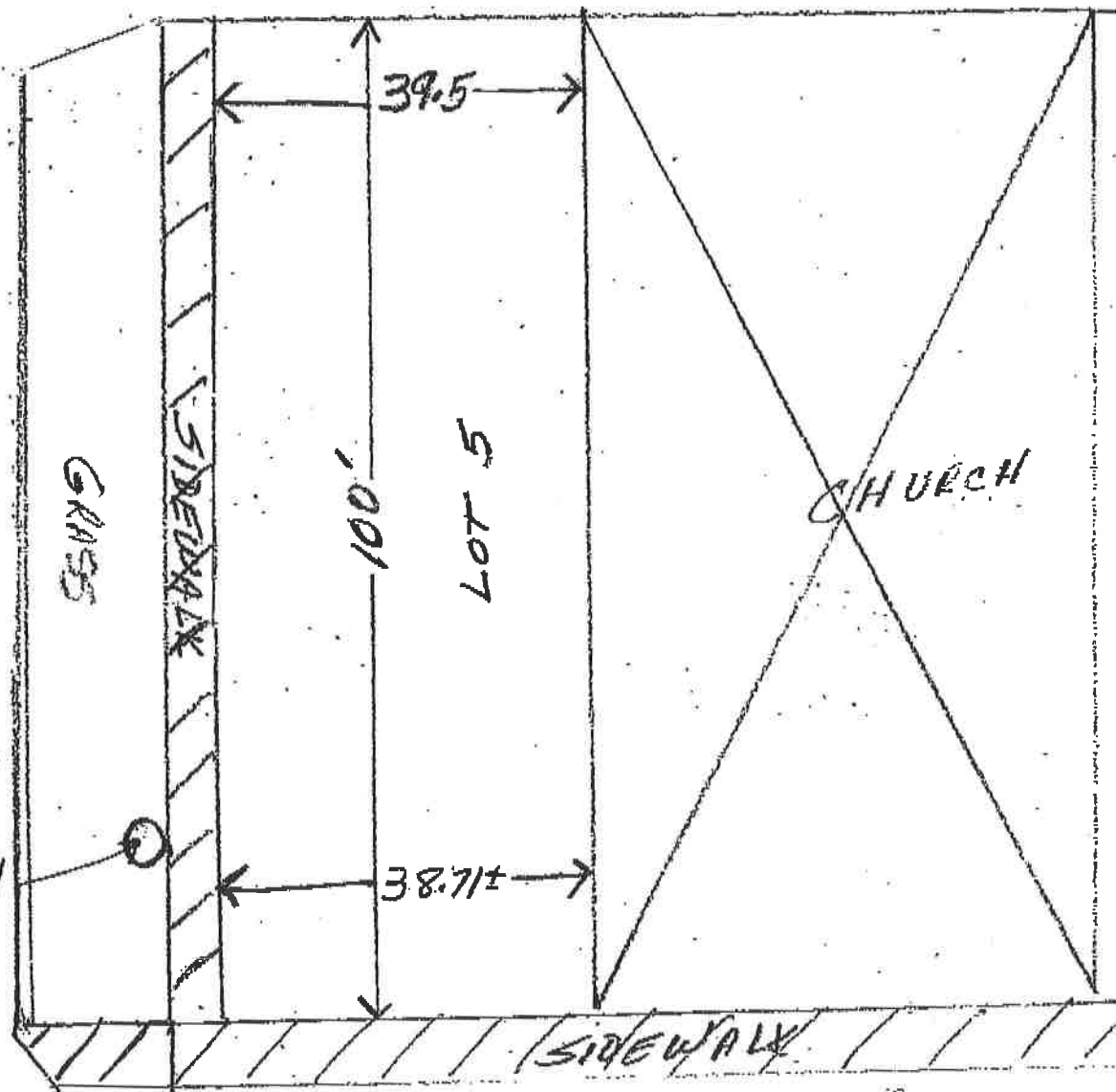


EXHIBIT #1

MENDOTA STREET



ALLEY



WEST 7 MILE RD

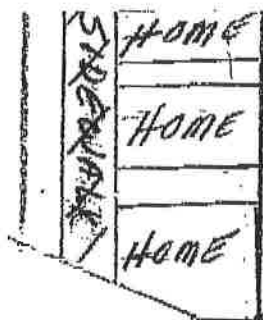
10440 W. 7 M. RD. DETROIT MI 48221

LOT 5, COLLEGE WOODS SUB, AS RECORDED IN LIBER PAGE 33 OF PLATS, WAYNE COUNTY RECORDS.

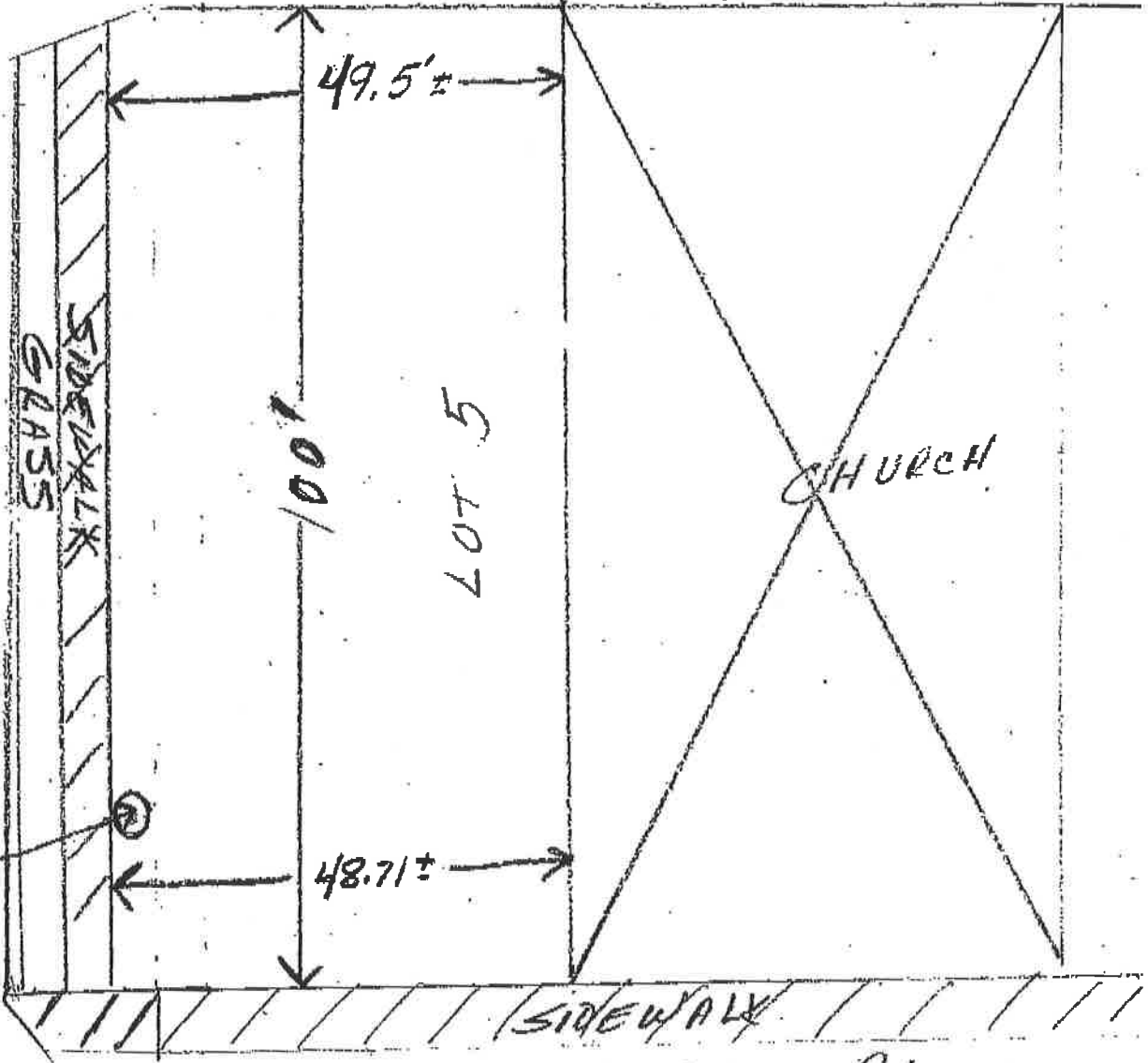
I.D. NO. W16 ITEM NO. 008714

EXHIBIT #2

MENDOTA STREET



ALLEY



UTILITY POLE

SIDEWALK

WEST 7 MILE RD.

10440. W. 7 MI. RD. DETROIT MI 48221
 LOT 5, COLLEGE WOODS SUB. AS RECORDED IN LIBER 1
 PAGE 33 OF PLATS, WAYNE COUNTY RECORDS
 I.D. NO W/6 ITEM NO. 008714

January 11, 2008

Honorable City Council:

RE: Petition No. 2024 - West 7 Mile Congregational Church of God in Christ requests to vacate and the conversion to easement of the east 10 feet of Mendota Street and to realign the sidewalk between Cambridge and West 7 Mile Road.

Petition No. 2024 - West 7 Mile Congregational Church of God in Christ whose address is 10424 West 7 Mile Road, Detroit Michigan 48235 requests to vacate and the conversion to easement of the East 10.00 feet of the Mendota Street right-of-way, 80 feet wide, adjoining their property at 10440 West 7 Mile Road for the purpose of enhancing the area and aligning the sidewalk with the existing sidewalk north of this location. The petitioner states in their request that they understand that the expense of the new sidewalk will be their responsibility.

The request was approved by the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW with conditions and the City Engineering Division -DPW with conditions. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The Traffic Engineering Division – DPW and City Engineering Division – DPW report no objections to the petitioner request provided that the petitioner is required to secure a permit prior to construction of any new sidewalk and that the sidewalk complies with City of Detroit specifications; also ADA ramp construction must be approved by City engineering and meet current MDOT specifications for ADA ramps.

The Public Lighting Department (PLD) reports having an overhead street lighting circuit running across the requested easement area. PLD requires 24-hrs vehicle access to this site to perform circuit maintenance. No structures can be built over PLD installations. As per PLD requirements any structure proposed to be built shall maintain a minimum of 10 feet horizontal clearance for the overhead PLD lines and installations. The contractor will be liable for any damages to any PLD underground Facilities.

All other city departments and private utility companies have reported no objection to the conversion of the public right-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,

A handwritten signature in blue ink, appearing to read "Jessy Jacob".

Jessy Jacob, Interim City Engineer
City Engineering Division – DPW

Jmk/

Cc: Al Jordan, Director – DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, All that part of the East 10 feet of Mendota Avenue, 80.00 feet wide, between the North line of West 7 Mile Road, 100 feet wide and the centerline of the previously vacated East-West 20 foot wide public alley converted to easement (July 26, 2006, J.C.C. Pgs. 2160-62) in the block bounded by West 7 Mile Road, Cambridge, Mendota and Birwood and being described as: part of Mendota Street beginning at the southwesterly corner of Lot 5 "College Woods being a Subdivision of the South ½ of the South ½ of the southeast ¼ of Section 5 T.1S.,R.11E. Greenfield Township, Wayne County, Michigan" as recorded in Liber 50, Page 33 of Plats, Wayne County Records; thence North along the westerly line of said Lot 5 and its extension 110.00 feet to the centerline of a platted public alley; thence West at a right angle 10.00 feet; thence South along a line 10 feet West of and parallel to the West line of said Lot 5 a distance of 110.00 feet to the North line of West 7 Mile Road; thence East along the North line of West 7 Mile Road 10.00 feet to the point of beginning.

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities, 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 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, 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,

Fourth, That if the owners of any lots abutting on said vacated street 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,

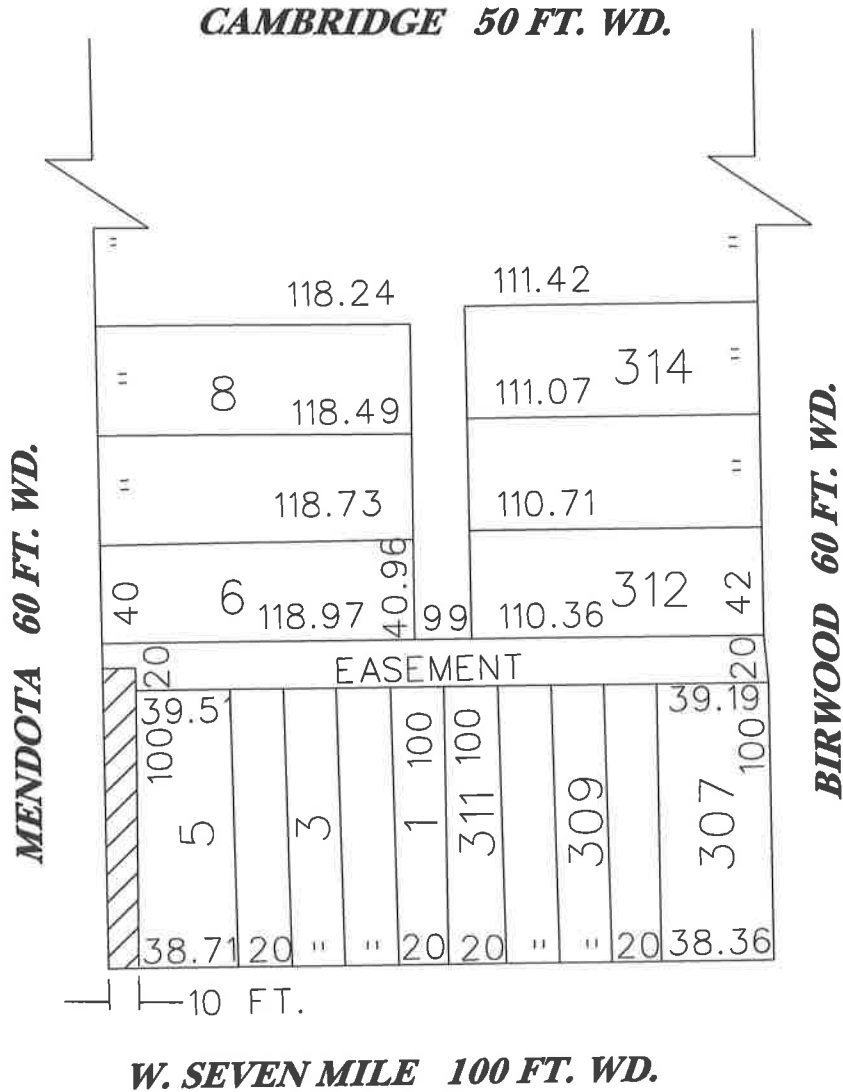
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 the petitioner is required to secure a permit prior to construction of any new sidewalk and that the sidewalk complies with City of Detroit specifications; also ADA ramp construction must be approved by City Engineering-DPW and meet current MDOT specifications for ADA ramps. The cost for all new sidewalk and ramp construction will be borne by the petitioner.

PROVIDED, That any structure proposed to be built shall maintain 4 ½ feet horizontal clearance from the PLD conduit bank and manholes and also 10 feet horizontal clearance for the overhead PLD lines and installations. PLD shall have 24-hr vehicle access to this site to perform circuit maintenance. The contractor will be liable for any damages to any PLD underground facilities.

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.2024
7 MILE CONGREGATIONAL CHURCH
10424 W. 7 MILE RD.
DETROIT, MI 48235
c/o BISHOP HOSEA EVANS
PHONE NO. 313-863-5255



-CONVERSION TO EASEMENT (TO MOVE SIDEWALK MORE IN LINE WITH RESIDENTIAL SIDEWALK.)

(FOR OFFICE USE ONLY)

CARTO 88 D

B						REQUESTED CONVERSION TO EASEMENT A 10 FT. PORTION OF MENDOTA 60 FT. WD. THE RE-ALIGNMENT OF THE SIDEWALK BETWEEN CAMBRIDGE AND W. SEVEN MILE.	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU JOB NO. 01-01 DRWG. NO. x2024.dgn
A							
DESCRIPTION		DRWN	CHKD	APPD	DATE		
DRAWN BY ahb		CHECKED					
DATE 8/28/07		APPROVED					