

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Monday, December 10, 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

2180 *Kotz, Sangster, Wysocki and Berg, P.C., Request for vacation of alleys between Magnolia Street and Selden Avenue, Humboldt Avenue and 18th Street.*

196
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RECEIVED
DEC 13 2007

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KOTZ, SANGSTER, WYSOCKI AND BERG, P.C.

ATTORNEYS AND COUNSELORS AT LAW

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December 5, 2007

Detroit City Council
c/o City Clerk
200 Coleman A. Young Municipal Center
2 Woodward Avenue
Detroit, MI 48226

259-8300
259-1451

**RE: VACATING ALLEYS BETWEEN MAGNOLIA STREET AND SELDEN AVENUE,
HUMBOLDT AVENUE AND 18TH STREET**

2007 DEC - 6 P 3: 11
DETROIT
CITY CLERK

Dear Honorable City Council:

This office represents The Salvation Army, Divisional Headquarters. The Salvation Army is currently in the process of purchasing the property commonly known as 3700 Humboldt Avenue, Detroit, Michigan. The property in question consists of the entire city block bordered by Humboldt on the south, 18th Street on the north, Magnolia Street on the east and Selden Avenue on the west. This property is to be utilized for The Salvation Army's Acres of Hope, Men's Emergency Shelter and Transitional Housing campus expansion. The property is presently zoned R-2. We are preparing and shortly will be submitting to the City Planning Commission our application for a zoning change to rezone the property to R-6.

The Salvation Army plans to build a brand new structure to be situated on the western half of the property. The ALTA/ACSM land title survey, architectural site plan, floor plan and artist renderings of various views of the proposed structure are enclosed for the City Council's review and reference.

IRS Circular 230 Disclosure: Any tax advice contained in this communication (including any attachments) was not written and is not intended by Kotz, Sangster, Wysocki and Berg, P.C. to be used for the purpose of (i) avoiding penalties imposed by the Internal Revenue Code or (ii) promoting, marketing or recommending any transaction or matter addressed herein.



Detroit City Council
December 5, 2007
Page 2 of 2

As is evident, there two alleys located where the structure is to be built. We hereby request that the City Council consider and pass a resolution to vacate these alleys. Based upon information and belief, there are no public utility easements that would be affected.

The current owner of the property, 3700 Humboldt, L.L.C., a Michigan limited liability company, joins The Salvation Army in this request to vacate the alleys. As such, 100% of the owners of the property abutting the allies consent to granting our petition.

Upon your review of this letter and the accompanying documents should the City Council have any questions or concerns, or require any additional information, please do not hesitate to contact the undersigned.

Thank you for your kind consideration of this request.

Sincerely,

KOTZ, SANGSTER, WYSOCKI AND BERG, P.C.



DAVID M. BARBOUR

DMB/lal

cc: 3700 Humboldt, L.L.C.
attention: Philip G. Tannian
Major K. Kendall Mathews
Mr. Russell Dobney
Mrs. Kelly Wirebaugh

Enclosures

VIA DHL EXPRESS

August 20, 2008

Honorable City Council:

RE: Petition No. 2180 – Kotz, Sangster, Wysocki and Berg, P.C., request for outright vacation alleys in the area of Magnolia, Selden, Humboldt and 18th

Petition No. 2180 of “Kotz, Sangster, Wysocki and Berg, P.C.” whose address is 400 Renaissance Center, Suite 3400, Detroit, Michigan 48243 on behalf of the Salvation Army request the outright vacation of the North – South public alleys, 20 and 16.80 feet wide, and the East – West public alley, 14 feet wide, in the block bounded by Selden Avenue, 50 feet wide, Magnolia Avenue, 50 feet wide, Humboldt Avenue, 60 feet wide, and 18th Street, 60 feet wide. This request is necessary for the construction of the Salvation Army’s Acres of Hope, Men’s Emergency Shelter and Transitional Housing campus expansion.

The request was approved by the Planning and Development Department, the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility clearance) and report. This is our report.

AT&T Telecommunication reports aerial fiber cable along south side of Selden and telephone drop wire within the requested vacation area that service 3700 Humboldt. If fiber cable and telephone drop wire needs to be relocated and/or removed please contact AT&T CWO Group at 1-888-901-2779 to obtain removal and/or relocation cost.

DTE Energy Electric Division reports an estimated cost of \$25,735.00 for the removing and/or rerouting of such services.

The Public Lighting Department (PLD) reports PLD has an arc circuit going from Selden towards south in the alley ending at Magnolia. PLD also has a duplex feed running in the same alley to feed the lamps in the requested area. Removal and relocation of PLD facilities estimated cost is \$4,000.00. Please note that the above figure is only a tentative estimate based on the project scope of work as it appears at present.

Detroit Water and Sewerage Department (DWSD) reports there are existing sewers located in the alleys request to be vacated. However, DWSD have no objections to the requested vacation provided that the petitioners owns all the property in the requested area and the petitioner agrees to relocate any street drainage connected to the existing sewers located in the alleys at no cost to DWSD.

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).

I am recommending adoption of the attached resolution.

Respectfully submitted,



Jessy Jacob, Interim City Engineer
City Engineering Division - DPW

NRP:

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

BY COUNCIL MEMBER _____

RESOLVED, all that part of the North – South public alley, 20 feet wide, the first alley West of 18th Street, 60 feet wide, lying Westerly of and abutting the West line of Lots 59 through 69, both inclusive, in the “Weitzel’s Plat of the Subdivision of part of P.C. 338” as recorded in Liber 1 Page 204, Plats, Wayne County Records; and lying Easterly of and abutting the East line of Lot 6 in the “Plat of Secor’s Subdivision of Lots 67, 69 and 79 of Hubbard’s Section of the Loranger Farm on P.C. 474”, June 24, 1885 in the City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 1, Plats, Wayne County Records, and lying Easterly of and abutting the East line of Lots 80 through 85, both inclusive, in the “Bradish & Hubbard’s Subdivision of part of Loranger Farm being Section of P.C. No. 474 and the Westerly ½ of P.C. no. 338 North of Michigan Avenue, March 28, 1864 Detroit, Michigan as recorded in Liber 1, Page 133, Plats, Wayne County Records;

Also, all that part of the East – West public alley, 14 feet wide, the first alley to the South of Selden Avenue, 50 feet wide, lying Northerly of and abutting the North line of Lot 80 in the “Bradish & Hubbard’s Subdivision of part of Loranger Farm being Section of P.C. No. 474 and the Westerly ½ of P.C. no. 338 North of Michigan Avenue, March 28, 1864 Detroit, Michigan as recorded in Liber 1, Page 133, Plats, Wayne County Records; and lying Southerly of and abutting the South line of Lots 5 and 6 in the “Plat of Secor’s Subdivision of Lots 67, 69 and 79 of Hubbard’s Section of the Loranger Farm on P.C. 474, June 24, 1885” in the City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 1, Plats, Wayne County Records;

Also, all the part of the North – South public alley, 16.80 feet wide, being the First alley East of Humboldt Avenue, 60 feet wide lying Westerly of and abutting the West line of Lot 5 and lying Easterly of and abutting the East line of Lots 1 through 4, both inclusive, all in the “Plat of Secor’s Subdivision of Lots 67, 69 and 79 of Hubbard’s Section of the Loranger Farm on P.C. 474, June 24, 1885” in the City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 1, 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. 2180) shall design and construct proposed lateral sewers and to make the connections to the existing public sewers as required by the Detroit Water and Sewerage Department (DWSD); and further

PROVIDED, that the plans for the lateral sewers shall be prepared by a registered engineer; and further

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

PROVIDED, that the entire cost of the proposed lateral sewer construction, including inspection, survey and engineering shall be borne by the petitioner; and 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 further

PROVIDED, that the petitioner shall grant to the City a satisfactory easement for the lateral sewers; and further

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

PROVIDED, that the petitioner shall provide DWSD with as-builts drawings on the proposed lateral sewers; and further

PROVIDED, that the petitioner shall provide a one (1) year warranty for the proposed lateral sewer; and further

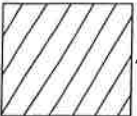
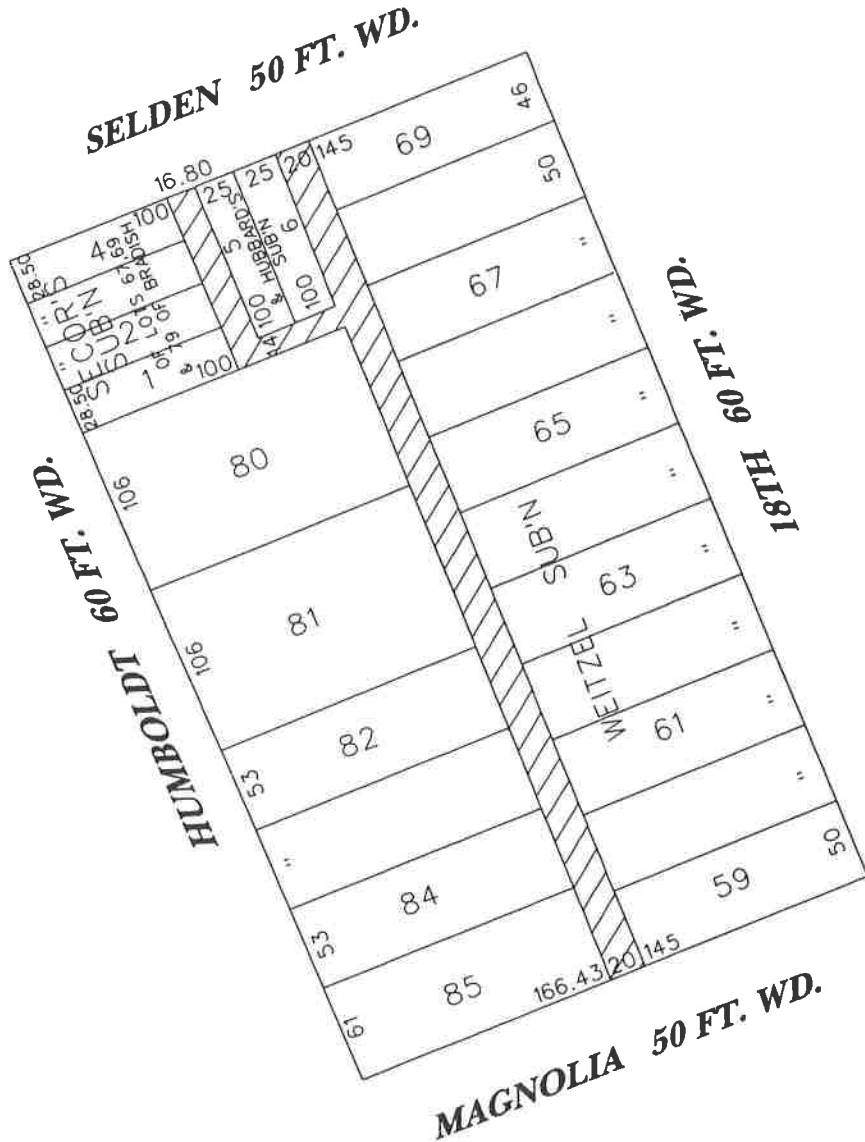
PROVIDED, that upon satisfactory completion, the lateral sewers shall become City property and become part of the City system and the existing sewers that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City; and be it further

PROVIDED, that if it is necessary to remove and/or reroute AT&T's fiber cable and telephone drop wire. The petitioner is responsible to contact the AT&T CWO Group at 1-888-901-2779 to obtain removal and/or relocation cost; and be it further

PROVIDED, that satisfactory arrangements are made with the Public Lighting Department and DTE Energy for cost of removing and rerouting such services; 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.

PETITION 2180
KOTZ, SANGSTER, WYSOCKI & BERG P.C.
400 RENAISSANCE CENTER, SUITE 1400
DETROIT, MI 48243-1618
 c/o **DAVID M. BARBOUR**
PHONE NO. 313-259-8300
FAX NO. 313-259-1451



-OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 19 B

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|-------------|--|----------|------|------|------|
| B | | | | | |
| A | | | | | |
| DESCRIPTION | | DRWN | CHKD | APPD | DATE |
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| 12/13/07 | | | | | |

REQUEST OUTRIGHT VACATION OF ALL PUBLIC ALLEYS BOUND BY SELDEN, 18TH, MAGNOLIA AND HUMBOLDT.

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU
 JOB NO. **01-01**
 DRWG. NO. **x2180.dgn**

AFFIDAVIT

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

I, Philip J. Tannian, being first duly sworn, depose and say that:

1. I am a Member of 3700 Humboldt, LLC, a Michigan limited liability company also known as Humboldt, LLC (the "Company") and make this Affidavit as such.

2. If I am called upon as a witness, I can testify competently to facts stated in this Affidavit.

3. The Members of 3700 Humboldt, LLC are Philip J. Tannian, Beverly D. Tannian and Genevieve B. Tannian, each of whom own an equal 1/3 membership interest.

4. That neither David Colton nor Domestic Linen Supply and Laundry have any ownership interest in the Company or the property commonly known as 3700 Humboldt, Detroit, Michigan.

Further Affiant sayeth not.



By: Philip J. Tannian

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On September 18, 2008, before me, the undersigned, a Notary Public in and for said state, personally appeared Philip J. Tannian, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that executed it.

Subscribed and sworn to before me
this 18 day of September, 2008.



Notary Public

MAIONB County, Michigan

My Commission Expires: 4-9-2015

Acting in Wayne County