

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Tuesday, February 05, 2008

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

2240 *University of Detroit Mercy, request vacation (subject to existing utility easements) along 18th Street running north of Martin Luther King Blvd. to the southern curb of Magnolia Street.*

12/18/07

19B
LVM 67

RECEIVED
FEB - 8 2008

January 29, 2008

City of Detroit
Honorable City Council
C/o Office of the City Clerk
200 Coleman A. Young Municipal Center
Detroit, MI 48226

Rē: Request to Vacate Street

Dear Ms. Winfrey,

I am writing to request vacation subject to existing utility easements along 18th Street running north of Martin Luther King Boulevard to the southern curb line of Magnolia Street. The vacation will provide the ability for University of Detroit Mercy expand its Dental School Clinic and Campus and expand available parking.

A Survey has been provided to the City Engineer for purposes of analyzing the requirements for the right of way and any utility relocations or vacations and to City Law Department for purposes of preparing a Deed to convey the property to Corktown Housing, LLC. The University of Detroit Mercy owns all property on both the West and East site of 18th Street between Martin Luther King Boulevard and Magnolia Street.

On behalf of University of Detroit Mercy the owner of the abutting properties I am available to assist you in any way including communication with the respective utility companies to promptly move forward with the above vacation.

Please forward all communication and material regarding this request to:

Taktix Solutions, LLC
211 W. Fort Street, Suite 1620
Detroit, MI 48226

Should you have any questions or require further information please call Karen O'Donoghue at 313 237-6381.

We look forward to working with you to bring new investment to the City of Detroit.

Thank you for your assistance.

Very truly yours,



Karen D. O'Donoghue

Cc: City Engineering
City Law Department

2008 FEB -4 P 12:08

DETROIT
CITY CLERK

June 4, 2008

Honorable City Council:

RE: Petition No. 2240 – University of Detroit Mercy request vacation of 18th Street running north of Martin Luther King Boulevard to Magnolia Avenue.

Petition No. 2240 of “University of Detroit Mercy” request conversion of 18th Street, 60 feet wide, between Magnolia Avenue, 50 feet wide and Martin Luther King Boulevard, 124 feet wide into an easement for utilities. This vacation will assist the University of Detroit Mercy with additional parking to accommodate our students and customers.

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.

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

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 18th Street, 60 feet wide, between Magnolia Avenue, 50 feet wide, and Martin Luther King Boulevard, 124 feet wide, lying Easterly of and abutting the East line of the North 11.00 feet of Lot 32, and Lots 33 through 44, both inclusive, and Lots 58 and 51, Block 3, all in the "Plat of Weitzel's ReSubdivision" lots from 26 to 36, inclusive, lots from 38 to 45, inclusive, lots from 49 to 57, inclusive all lying between Butternut and Magnolia Streets and west of 18th Street as recorded in Liber 5, Page 18, Plats, Wayne County Records; And lying Westerly of and abutting the West line of the North 26.00 feet of Lot 491, and Lots 492 through 500, both inclusive, all in the "Subdivision of Part of the Stanton Farm P.C. 473 and rear concession" as recorded in Liber 1, Page 255, Plats, Wayne County Records;

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

Provided, that an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

Provided, that free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

Provided, that the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

Provided, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, that if any time in the future, the owners of any lots abutting on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incidental to the repair of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; and be it further

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,

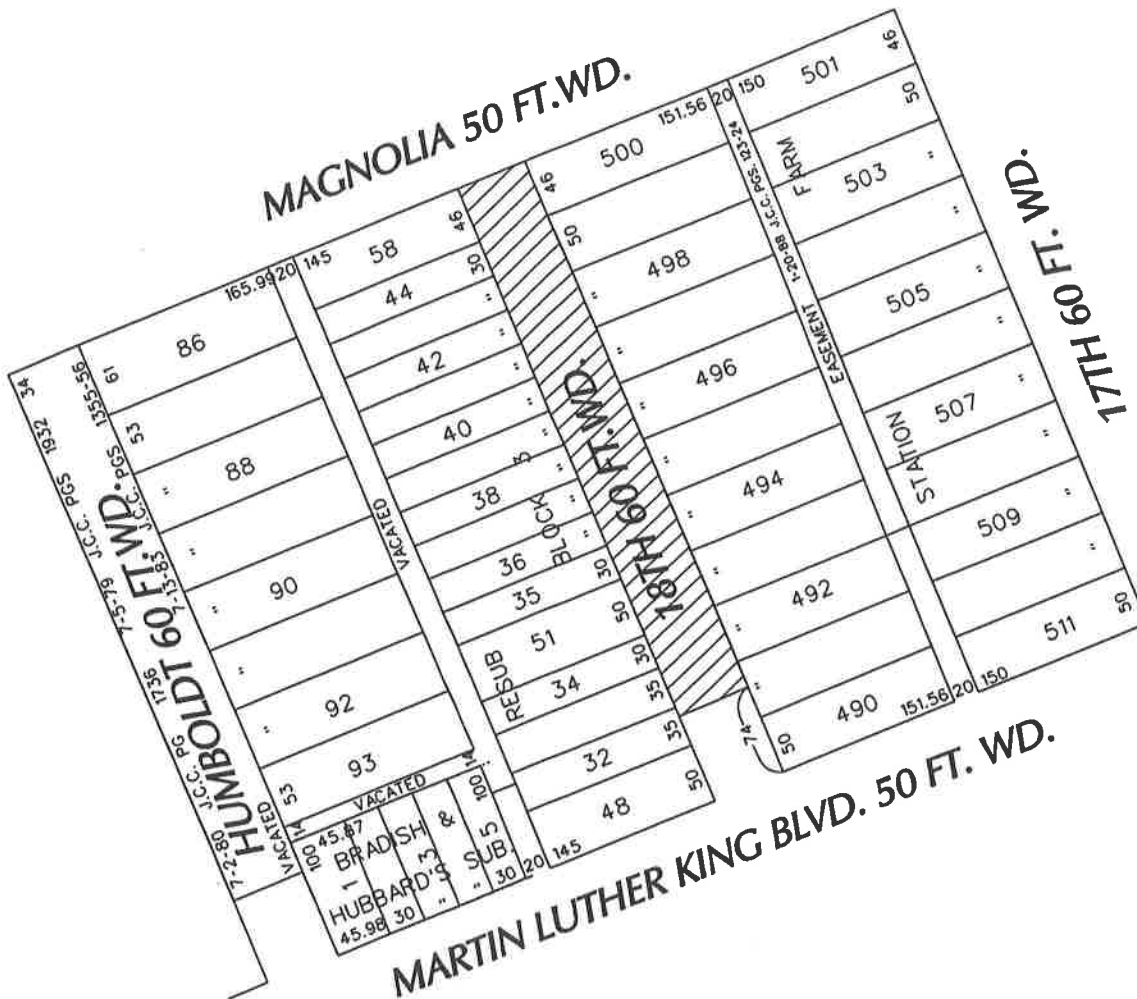
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 2240
 TAKTIX SOLUTIONS LLC
 FOR UNIVERSITY OF DETROIT MERCY
 211 W. FORT ST., SUITE 1620
 DETROIT, MI 48226
 c/o KAREN D. O'DONOGHUE
 PHONE NO. 313-237-6381



REVISED!!!



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 19 B

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NRP		CHECKED		
DATE	3-24-08		APPROVED		

REQUESTED CONVERSION TO EASEMENT 18TH ST.
 BTWN. MAGNOLIA AND MARTIN LUTHER KING BLVD.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x2240.dgn