

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Tuesday, May 06, 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.

PLANNING AND DEVELOPMENT DEPARTMENT      DPW - CITY ENGINEERING DIVISION

**2424**      *Northwest Detroit Neighborhood Development (NDND), request alley vacation in the northside of Fenkell between Hazelton and West Parkway.*

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DETROIT  
CITY CLERK

## Building on Faith ... Building a Community

April 9, 2008

Detroit City Council  
Attention: City Clerk's Office  
Room 200  
Coleman A. Young Municipal Center  
Detroit, MI 48226

### Regarding request to vacate alley north of Fenkell between Hazelton and West Parkway

Dear Honorable Council Members:

Northwest Detroit Neighborhood Development (NDND), the nonprofit Community Housing Development Organization (CHDO) for the Brightmoor area of Detroit, is requesting that the east/west alley located directly behind the commercial buildings on the north side of Fenkell between Hazelton and West Parkway be officially vacated. The north/south running alley between Hazelton and West Parkway are already vacated.

NDND received Low Income Tax Credits (LIHTC), Federal Home Loan Bank funds, CDBG and MSHDA HOME funds to acquire and rehab the abandoned apartment building located at 23230 Fenkell Avenue. The total development cost is \$3.6 million. The project is known as "Rouge Woods Apartments." It includes the use of three vacant lots on Hazelton for parking. The building rehab and the zoning variances required have been obtained through the BZA and BS & E departments.

In order to use the parking lot, we need to use the existing alley as the driveway or entry point to the parking lot for the tenants. A portion of the alley will be paved for the driveway and a portion will be used as green space and playground area for the tenants of the building retaining any easement need for utilities or other needed access. There is currently no need for the alley for public use. The alley has been unofficially closed to traffic for many years by fencing.

We hope to pull permits in June this year to start the renovation of the apartment building, including the installation of the parking lot. We would like to receive the City Council's approval to vacate this alley as soon as is practicable. Thank you for your prompt review of this matter.

Sincerely,

  
John O'Brien  
Executive Director

## Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
693	APR-21	09:26	313 224 1629	0*00*16"	003	OK	N ECM

**FAX TRANSMITTAL****Office of the City Clerk**

Coleman A Young Municipal Center

Two Woodward Avenue, Suite 200

Detroit, Michigan 48226

Telephone: (313) 224-2070 Fax (313) 224-2075

*Friday, April 18, 2008**No. of Pages 3***FROM:** *Ms. Jessie Robertson, Junior Assistant City Council Committee Clerk***SUBJECT:** *Petition #2424, Northwest Detroit Neighborhood Development (NDND), request alley vacation in the northside of Fenkell between Hazelton and West Parkway.***FAX TO THE FOLLOWING DEPARTMENT(S):**

Mr. Douglas Diggs, Director

Planning and Development Department (313) 224-1629

# FAX TRANSMITTAL

## Office of the City Clerk

Coleman A Young Municipal Center

Two Woodward Avenue, Suite 200

Detroit, Michigan 48226

Telephone: (313) 224-2070

Fax: (313) 224-2075

*Tuesday, May 06, 2008*

*No. of Pages* 4

**FROM:** *Ms. Jessie Robertson, Junior Assistant City Council Committee Clerk*

**SUBJECT:** *Petition #2424, Northwest Detroit Neighborhood Development (NDND), request alley vacation in the northside of Fenkell between Hazelton and West Parkway.*

### FAX TO THE FOLLOWING DEPARTMENT(S):

Mr. Douglass Diggs, Director

Planning and Development Department (313) 224-1629

Ms. Cathy Squarc, Director

DPW - City Engineering Division (313) 224-1464

Attachment

Honorable City Council:

August 7, 2008

RE: Petition No. 2424 – Northwest Detroit Neighborhood Development (NDND) requests the alley vacation on the north side of Fenkell between Hazelton and West Parkway.

Petition No 2424 of “Northwest Detroit Neighborhood Development (NDND)” request for conversion of the East – West public alley, 18 feet wide, in the block bounded by Keeler Avenue, 50 feet wide, Fenkell Avenue, 66 feet wide, Hazelton Avenue, 50 feet wide and West Parkway Drive, 70 feet wide into a private easement for utilities.

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 the East – West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lots 1 through 13, both inclusive, and lying Southerly of and abutting the South line of Lots 235, 234, and the public alley 16 feet wide, vacated on April 3, 1956 – JCC Pgs. 616 – 617 all in the “B.E Taylor’s Brightmoor – Wolfram Subdivision” lying South of Grand River Avenue being part of the West ½ of Section 16, T.1S.R.10E., Redford Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 45, Page 62, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities of the full width of the alley, 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 alley and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an 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 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 purpose above set forth,

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,

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 surface grade made, without prior approval of the City Engineering Division – DPW,

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,

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 return at the entrance (into Foster Avenue), 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 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.

**PETITION NO. 2424**  
**NORTHWEST DETROIT NEIGHBOR DEVE. (NDND)**  
**16631 LASHSER**  
**DETROIT, MI 48219**  
**c/o JOHN O'BRIEN**  
**PHONE NO. 313-535- 9164**



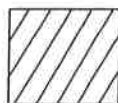
**KEELER 50 FT. WD.**

**HAZELTON 50 FT. WD.**

**WEST PARKWAY 70 FT. WD.**

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**FENKELL 66 FT. WD.**



**-REQUESTED CONVERSION TO EASEMENT**

**(FOR OFFICE USE ONLY)**

B						<p><b>REQUESTED CONVERSION TO EASEMENT</b>  <b>THE EAST / WEST PUBLIC IN THE AERA OF</b>  <b>FENKELL AVE., WEST PARKWAY AND</b>  <b>KEELER.</b></p>	<p><b>CITY OF DETROIT</b>  <b>CITY ENGINEERING DEPARTMENT</b>  <b>SURVEY BUREAU</b></p>	
A					<p><b>JOB NO. 01-01</b></p>			
DESCRIPTION		DRWN	CHKD	APPD	DATE			<p><b>DRWG. NO. x2424.dgn</b></p>
DRAWN BY		REVISIONS						
DATE		CHECKED		APPROVED				
5/8/08		ahb						