

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, May 14, 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

2517 *20-L*
Voyageur Academy, request to vacate alleyway between Buchanan Street and Cook Street for use during construction of new middle school.

19-K

*13 E
LVM 104*

RECEIVED
MAY 15 2008

*CEW
TWS
NOEL*

Voyageur Academy
1250 Rosa Parks
Detroit, MI 48216
P: 313-964-2339
F: 313-964-3922

09 31 19

Y CLERK-

2517

April 25, 2008

Honorable Janice Winfrey
Office of the City Clerk, Room 200
200 Coleman A. Young Municipal Center
Detroit, MI 48226

Dear Ms. Winfrey:

Re: Voyageur Academy

Voyageur Academy wishes to vacate the alleyway between Buchanan Street and Cook Street. This alleyway is unusable in its current condition and Voyageur Academy wishes to utilize the alleyway during construction of a new middle school.

The proposed school building will greatly improve the neighborhood. Our Architect expects to begin construction this spring.

Thank you for your consideration of this request.

Yours truly,



Joseph J. Rush
Board President
Voyageur Academy

Drafted by Architect:

LeRoy J. Stevens, AIA
Architect, Member

Stevens Architects, LLC
209 Huron Avenue, Suite 1
Port Huron, MI 48060

P: 810-987-3755
F: 810-987-3701
E: ljstevens@stevensarchitects.com



September 9, 2011

Honorable City Council:

RE: Petition No. 2517 – Voyageur Academy requesting the conversion to easement the alleyway between Buchanan Street and Cook Street.

Petition No. 2517 of “Voyageur Academy” whose address is 1250 Rosa Parks, Detroit, Michigan 48216 request for the conversion to easement of the North – South public alley, 20 feet wide, in the block bounded by Buchanan Avenue, 60 feet wide, Cook Street, 60 feet wide, Hammond Avenue, 33 feet wide, and Military Avenue, 66 feet wide. This closure will assist with the construction of a new Middle School and improvements to the neighborhood.

The request was approved by the Solid Waste Division – DPW, and the Traffic 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.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,


Richard Doherty, City Engineer
City Engineering Division – DPW

NRP/

Cc: Ron Brundidge, Director – DPW
Mayor’s Office – City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, all that part of the North – South public alley, 20 feet, in the block bounded by Buchanan Avenue, 60 feet wide, Cook Street, 60 feet wide, Hammond Avenue, 33 feet wide, (vacated) and Military Avenue, 66 feet wide lying Westerly of and abutting the West line of Lots 81 through 92, both inclusive, Block 102, also lying Easterly of and abutting the East line of Lots 49 through 60, both inclusive, Block 102, all in the “Plat of Kent and Hud Subdivision of Lots 49,50, 54, 55, 74, 75, 89, 92, 93 and 98, 100 of the Estate of Stephen Livernois” as recorded in Liber 6 Page 66, 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:

PROVIDED, that no structure can be built over PLD installations. As per PLD requirement, any structure propose 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; and be it further

PROVIDED, that a portion of the existing alley is open to the public to provide a three-point turn around shown in attachment “A”; and be it further

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, said easements or rights-of-way in and over said vacated alley(s) herein above described shall be forever accessible to the maintenance and inspection forces of the DWSD, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer or water main or any facility placed or installed in the DWSD easements or rights-of-way. The DWSD 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 easements with any necessary equipment to perform the above mentioned task, with the understanding that DWSD shall use due care in such crossing or use, and that any property damaged by DWSD, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition; 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 incident 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 incident 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 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, 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,

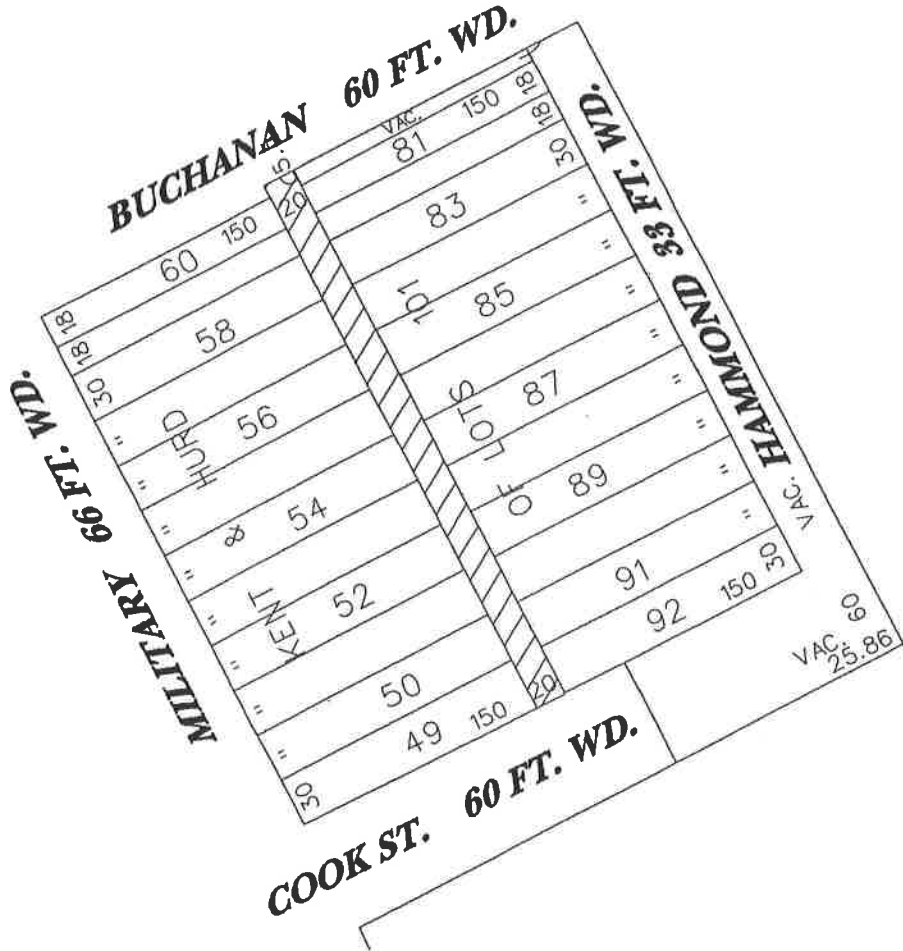
Fourth, That if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 alley return at the entrances (into Brush 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 City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

VOYAGEUR ACADEMY
1250 ROSA PARKS
DETROIT, MI 48216
c/o JOSEPH J. RUSH
P313-964-2339



-REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 13 E

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY abb		CHECKED			
DATE 5/16/08		APPROVED			

REQUESTED CONVERSION TO EASEMENT
THE N / S PUBLIC ALLEY BND. BUCHANAN,
MILITARY, HAMMOND AND COOK ST.

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. x 2517. dgn