

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, December 18, 2008

To: The Department or Commission Listed Below

From: Janice M. Winfrey, Detroit City Clerk

RECEIVED
JAN 5 2009

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

3101 Southwest Housing Solutions, request to ^{conversion to easement} ~~outright vacate~~ a public alley north of Michigan Avenue, east of Campbell Street, and west of 35th Street.

NOTE: The Detroit City Council is on recess from:
DECEMBER 10, 2008 through JANUARY 6, 2009

The City Clerk requests that Departments directly handle requests which fall within those dates.

PLEASE EXPEDITE!!!

LED
TED
NOEL

13 =
1104



DEC 03 11:32

-CITY CLERK-

~~3700~~
3101

December 8, 2008

BY HAND DELIVERY

Honorable City Council
C/o City Clerk
200 Coleman A. Young Municipal Center
2 Woodward Avenue
Detroit, Michigan 48226

RE: 5716 Michigan Condominium (W.C.C.P. 972) – Detroit, MI
Request to outright vacate a public alley north of Michigan Avenue, east of Campbell Street, and west of 35th Street.

Southwest Housing Solutions Corporation, property owner and petitioner, whose address is 1920 25th Street, Detroit, Michigan 48216, hereby respectfully requests that your Honorable City Council investigate the outright vacation of the existing 20 ft. wide public alley adjacent to Lots 5 through 13, both inclusive, and Lot 15 of "Block A, "Brush's Subdivision of that part of P.C. 260 lying between Michigan Ave. and the northerly line of Horatio St., except the Easterly 500 Feet, Detroit, Wayne County, Michigan", according to the plat recorded in Liber 16 of Plats, Page 24, Wayne County Records. (drawing attached).

The outright vacation is critical in order to install security fencing and card reader gate, provide secured parking to the tenants of 5716 Michigan Condominium, and provide secured access to the rear of the building from the proposed adjacent parking lot. Southwest Housing Solutions Corporation is the legal owner of all of the property adjacent to the subject alley, except for Lot 7, and that property owner, David G. Long, is very much in favor of this alley vacation request (see his separate letter attached).

Thank you in advance for your time and consideration of this matter. If you should have any questions, please do not hesitate to contact me at (office) 313-297-1343 or (email) jmallett@swsol.org.

Very truly yours,

Janay Mallett
Real Estate Development Specialist



Housing Main Office: 1920 25th Street Suite A • Detroit, MI 48216-1435 • 313.841.3727 main • 313. 841.3734 fax
Housing Opportunity Center: 1920 25th Street Suite B • Detroit, MI 48216-1435 • 313.841-9641 main • 313.841-9647 fax
Se habla Español • www.swsol.org



Equal Opportunity Housing



Equal Opportunity Employer

Property Owner List

Lot #	Address	Tax Parcel #	Owner/Mailing Address
Lot 1	#3950 Campbell	Parcel # 16014457	Juan J. Patino 3950 Campbell Detroit, MI 48210
Lot 2	#3946 Campbell	Parcel # 16014456	Shirley Giles & Kenneth Carver 3946 Campbell Detroit, MI 48210
Lot 3	#3936 Campbell	Parcel # 16014455	Sebastian & Carmen Hernandez 3936 Campbell Detroit, MI 48210
NOTE: #3936 Campbell is under contract for purchase by Southwest Housing Solutions Corp.			
Lots 4&5	#3926 Campbell	Parcel # 16014454	Southwest Housing Solutions Corp. 1920 25th Street Detroit, MI 48216
Lot 6	#5748 Michigan Ave	Parcel # 16001709	Southwest Housing Solutions Corp. 1920 25th Street Detroit, MI 48216
Lot 7	#5740-5742 Michigan	Parcel # 16001710	David G. Long 37783 Circle Dr Harrison Twp., MI 48045
Parts of			
Lots 8, 9,10	#5728 Michigan	Parcel # 16001711	Southwest Housing Solutions Corp. 1920 25th Street Detroit, MI 48216
Parts of			
Lots 8, 9,10 and Lots 11-13	#5716 Michigan	Parcel # 16001712	Southwest Housing Solutions Corp. 1920 25th Street Detroit, MI 48216
Lot 14	#5700 Michigan Ave	Parcel # 16001713	Southwest Housing Solutions Corp. 1920 25th Street Detroit, MI 48216
S'y Part of			
Lot 15	#3837 35th Street	Parcel # 16013851	Southwest Housing Solutions Corp. 1920 25th Street Detroit, MI 48216

Lot #	Address	Tax Parcel #	Owner/Mailing Address
N'y Part of Lot 15	#3841 35th Street	Parcel # 16013850	Southwest Housing Solutions Corp. 1920 25th Street Detroit, MI 48216
Lot 16	#3847 35th Street	Parcel # 16013849	Janie Gilham 3847 35th Street Detroit, MI 48210
Lot 17	#3853 35th Street	Parcel # 16013848	Janie Gilham 3847 35th Street Detroit, MI 48210
Lot 18	#3861 35th Street	Parcel # 16013847	Southwest Housing Solutions Corp. 1920 25th Street Detroit, MI 48216
Lots 19&20	#3865 35th St.	Parcel # 16013846	Southwest Housing Solutions Corp. 1920 25th Street Detroit, MI 48216
Lot 21	#3871 35th Street	Parcel # 16013845	Southwest Housing Solutions Corp. 1920 25th Street Detroit, MI 48216



December 2, 2008

Mr. David Long
5740 Michigan Avenue
Detroit, MI 48210

Re: Permission to Vacate Public Alley

Dear Mr. David Long:

Southwest Housing Solutions has acquired the property located at 5728 and 5716 Michigan Avenue. We would like to redevelop these vacant buildings into a mixed-use building.

Southwest Housing would like to submit a request to the City of Detroit to outright vacate the public alley located along the north side of your property located at 5740 Michigan Avenue. The vacating of the alley would allow for secure fencing to be installed around surface parking areas located behind our buildings. We would like to submit this request as soon as possible, and respectfully request your permission to submit the alley vacate application to the City of Detroit.

If you support our request to vacate the alley, could you kindly sign this letter? We look forward to answering any questions you may have.

Very truly yours,


Steve Gabrys
Director of Real Estate Development

ACKNOWLEDGED:


Mr. David Long

12-3-08
Date

CRAIN'S DETROIT BUSINESS
**BEST
MANAGED
NONPROFIT
2005**
BUDGET OVER \$3M

Housing Main Office: 1920 25th Street Suite A • Detroit, MI 48216-1435 • 313.841.3727 main • 313.841.3734 fax
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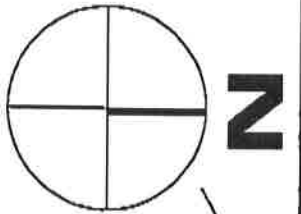

NeighborWorks
CHARTERED MEMBER



Equal Opportunity Housing



Equal Opportunity Employer

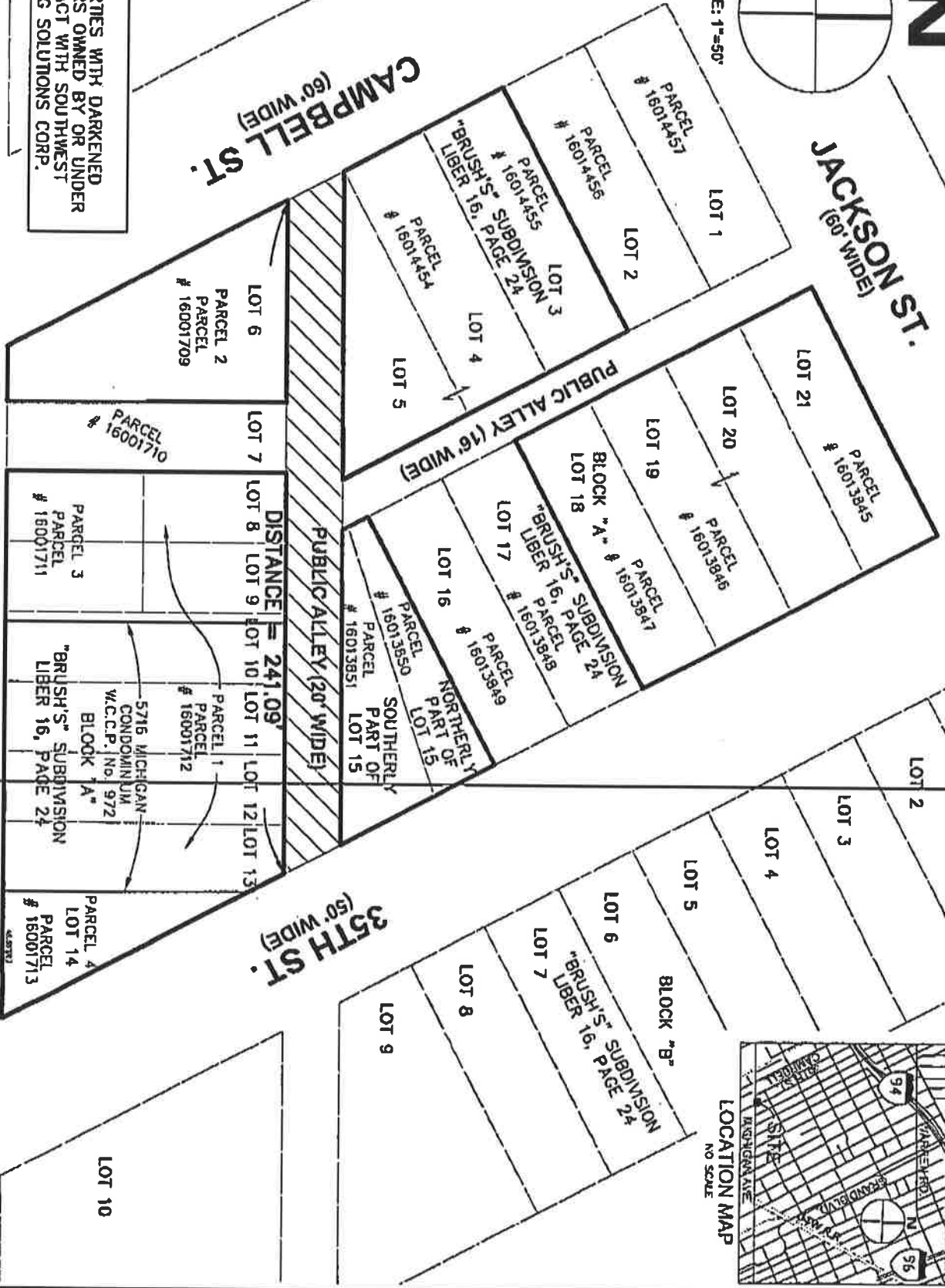


SCALE: 1"=50'

JACKSON ST.
(60' WIDE)

CAMPBELL ST.
(60' WIDE)

NOTE:
PROPERTIES WITH DARKENED
BORDERS OWNED BY OR UNDER
CONTRACT WITH SOUTHWEST
HOUSING SOLUTIONS CORP.



DISTANCE = 241.09'

PUBLIC ALLEY (20' WIDE)

PUBLIC ALLEY (16' WIDE)

35TH ST.
(50' WIDE)

MICHIGAN AVE.
(120' WIDE)



LOCATION MAP
NO SCALE

EAST - WEST PUBLIC
ALLEY TO BE VACATED

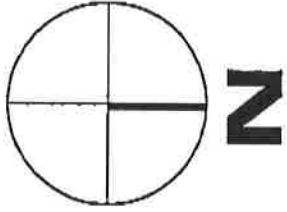
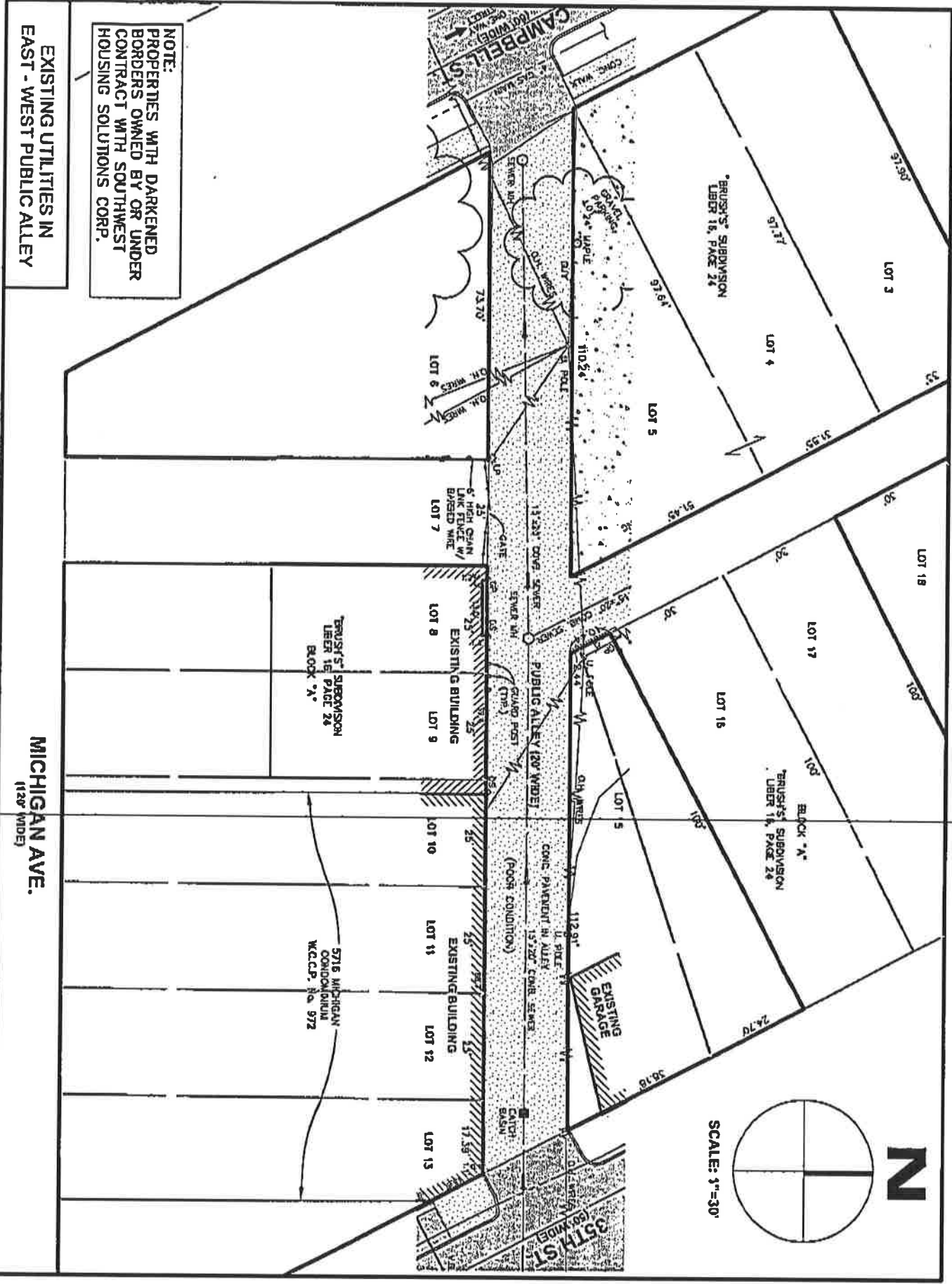
E-W SHEET 1 OF 2

NOTE:
 PROPERTIES WITH DARKENED
 BORDERS OWNED BY OR UNDER
 CONTRACT WITH SOUTHWEST
 HOUSING SOLUTIONS CORP.

**EXISTING UTILITIES IN
 EAST - WEST PUBLIC ALLEY**

MICHIGAN AVE.
 (112' WIDE)

E-W SHEET 2 OF 2



SCALE: 1"=30'

Bernard J. Youngblood
Wayne County Register of Deeds
November 06, 2008 11:32 AM
Liber 47556 Page 107-108
#200807010 QCD FEE: \$18.00

QUIT CLAIM DEED

Gen.

The City of Detroit, a Michigan public body corporate whose address is 2 Woodward, Detroit, MI 48226 quit claims to Southwest Housing Solutions Corporation, a Michigan Nonprofit Corporation, whose address is 3627 W. Vernor, Detroit, Michigan 48216, the premises located in the City of Detroit, Wayne County, Michigan, described as:

aka 3837, 3861, 3865, 3871 35th Street 16/013851, 013847, 013846, 013845 (see attachment)

City of Detroit

(The "Property"), for the sum of One Thousand Five Hundred Eighty Dollars and No Cents (\$1,580.00) subject to and reserving to Grantor its rights under public easements and rights of way, easements of record, applicable zoning ordinances, development plans pursuant to Act 344 of 1945 as amended (if any), and restrictions of record.

The estate conveyed by this deed is a fee simple subject to a condition subsequent such that if Purchaser has not obtained a Certificate of Acceptance for the construction of residential housing as described by the City Council Resolution referenced below within 12 months from the date of this Deed, then title to the Property shall revert to the Grantor upon the Grantor recording a notice of default. The condition subsequent shall be deemed released upon recording of an affidavit by the authorized agent of the Grantor stating that the condition is released, or upon the Purchaser recording an affidavit with an attached copy of the Certificate of Acceptance for the Property prior to the City recording a notice of default. The condition subsequent and the Grantor's Reverter interest in the Property are specifically subject to a bona fide first mortgage lien securing purchase and/or construction financing for the Property if the mortgage is held by a state or federally chartered institution or is insured or guaranteed by an agency of the federal government. If the Property is rented for residential occupancy, the Property must be registered as a rental property pursuant to Ordinance 579-H (Detroit City Code § 26-5-42.5).

WITNESSES:

Olivia Skerrec
Print: Olivia Skerrec
Glwendolyn Barker
Print: Glwendolyn Barker

GRANTOR: CITY OF DETROIT, a Michigan public body corporate

By: *[Signature]*
Print: Douglas J. Diggs
Director
Planning and Development Department

STATE OF MICHIGAN)
)ss.
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me on Oct 17, 2008, by

Douglas J. Diggs, the Director Planning and Development Department of the City of Detroit, a Michigan public body corporate, on behalf of the City.

DONNETTE WILLIAMS-STARLING
Notary Public - Michigan
Wayne County
My Commission Expires Aug 29, 2012
Acting in the County of _____

[Signature]
Print: _____
Notary Public, Wayne County, Michigan
My commission expires: 8-29-2012

Pursuant to § 18-5-12 of the Detroit City Code, I hereby certify that proper and fair consideration has been received by the City pursuant to this instrument.

[Signature]
Finance Director

Approved by City Council on 2/19/08
7 / 1 / 08, JCC pp _____ or
4/2/08 Pg. 8
Detroit Legal News, 9 / 4 / 08, pp 8

This deed is dated as of October 31, 2008

Approved as to form:
[Signature]
Corporation Counsel

Approved by Mayor on 1 / 1

This Instrument Drafted by:

Chidi Nyeche
Planning & Development Department, Real Estate Development Division
65 Cadillac Square, Ste. 1100
Detroit, MI 48226

When recorded, return to:
Southwest Housing Solutions Corporation
3627 W. Vernor
Detroit, Michigan 48216

Exempt from transfer taxes pursuant to MCL § 207.505(h)(i) and MCL § 207.526(h)(i).

June 18, 2009

Honorable City Council:

RE: Petition No. 3101 – Southwest Housing Solutions request for the conversion to easement the alleys north of Michigan Avenue, east of Campbell, and west of 35th Street.

Petition No. 3101 of “Southwest Housing Solutions” request for the conversion of the North – South public alley, 16 feet wide, and the East – West public alley, 20 feet wide, in the block bounded by Jackson Street, 60 feet wide, Michigan Avenue, 120 feet wide, Campbell Avenue, 60 feet wide, and 35th Street, 50 feet wide into public easements for utilities. This request is needed for the installation of a security fence and card reader to provide secured parking to the tenants of 5617 Michigan Condominium.

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.

Southwest Housing Solutions (the Petitioner) attempted to secure the signature from the abutting property owner at 3847 35th Street for the closure of the North - South public alley in said area. The petitioner has on record with City Engineering Division – DPW a copy of the letter and certified mailing receipt sent to the abutting property owner for the consent of the North – South public alley. The petitioner allowed for a 30-day turn around for a response to the closure. The letter was not returned with or without consent to the petitioner request within the 30-day period.

The Supervisor of Maps and Records for the City Engineering Division – DPW conducted a site investigation on June 4, 2009 to check the condition of the alley and to determine if the property owner at 3847 35th Street needs access from the alley. The findings were that the property at 3847 35th Street has a garage, but the garage is in disrepair and the property owner has access from 35th Street to the garage.

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.

BY COUNCIL MEMBER _____

RESOLVED, all that part of the East – West public alley, 20 feet wide, lying Northerly of and abutting the North line of Lots 6 through 14, both inclusive, and lying Southerly of and abutting the South line of Lots 5 and 15; Also all that part of the North – South public alley, 16 feet wide, lying Westerly of and abutting the West line of Lots 15 through 21, both inclusive, and lying Easterly of and abutting the East line of Lots 1 through 5, both inclusive, of Block A, all in the “Brush’s Subdivision” of that part of P.C. 260 Lying between Michigan Avenue (and the North line of) Haratio Street except the Easterly 550 feet as recorded in Liber 16, Page 24, Plats, Wayne County Records;

Be and the same is hereby vacated as public alleys and is hereby converted into private easements for public utilities of the full width of the alleys, 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 easements or rights-of-way over said vacated public alleys 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 easements for the purpose above set forth,

Second, Said utility easement or right-of-way in and over said vacated alleys 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 easements 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,

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.

This resolution is attached for your Honorable Body for consideration.

Respectfully submitted,

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

Jessy Jacob P.E., City Engineer
City Engineering Division – DPW

NRP\

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

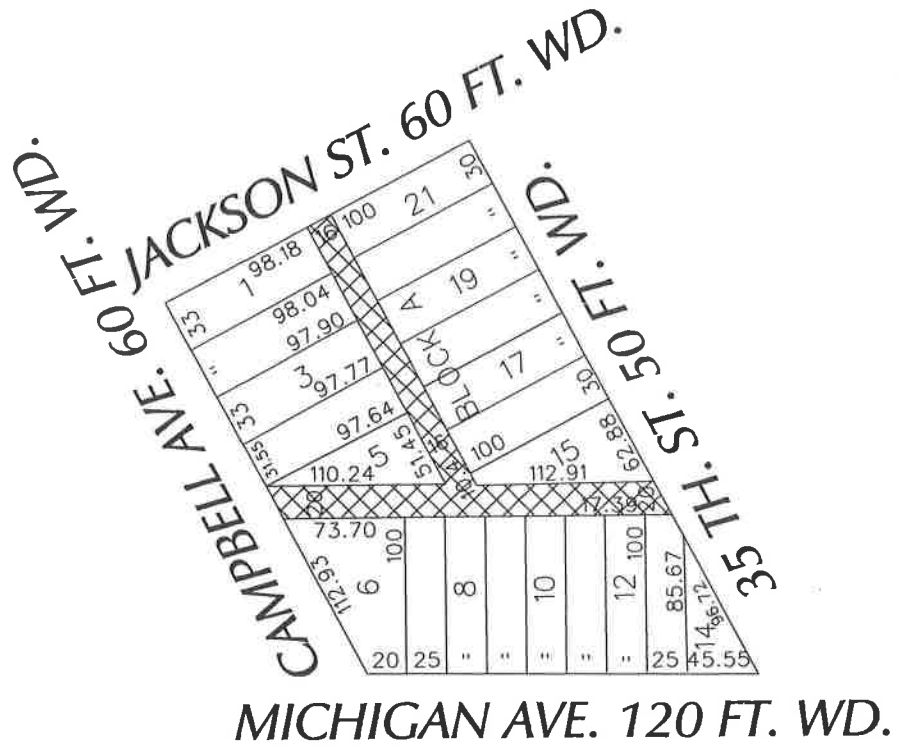
Fourth, That if the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 Campbell Avenue, Jackson Street, and 35th Street), 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.

1920 25th STREET, SUITE A
 DETROIT, MI. 48216-1435
 C/O STEVE GABRYS
 PHONE NO. 313 841 3727
 FAX NO. 313 841 3734



- AREA OF EASEMENT

(FOR OFFICE USE ONLY)

CARTO 13 E

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
DATE	APPROVED				
04-01-09					

REQUEST FOR CONVERSION TO EASEMENT
 20 FT. WD. EAST WEST ALLEY
 AND
 16 FT. WD. NORTH SOUTH ALLEY
 IN AREA BOUND BY
 MICHIGAN AVE., 35th. ST., JACKSON AND CABBELL

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. x3101.dgn