

June 16, 2009

Honorable City Council:

RE: Petition No. 3296 – Metco Services, Inc., request the conversion to easement, of all of the north-south and east-west public alley(s) 16 ft. wd., in the block bounded by Cass, Woodward, W. Baltimore, and W. Milwaukee Avenue(s).

METCO Services, Inc., at 1274 Library, Ste. 400, Detroit, Michigan 48226, on behalf of College of Creative Studies (“CCS”), a Michigan nonprofit corporation, 2101 East Kirby, Detroit, Michigan 48202, att: Ann Beck, Vice President of Administration and Finance, the developer, request the conversion of all of the north-south and east-west public alley(s) 16 ft. wd., in the block bounded by Cass Ave., 80 ft. wd., Woodward Ave., 120 ft. wd., W. Baltimore Ave., 60 ft. wd., and W. Milwaukee Ave., 60 ft. wd., into a private easement(s) for public utilities.

CCS has recently acquired all vacant parcels of land abutting said public alleys. In connection with the CCS renovation of the adjacent Argonaut Building, and the proposed 450 to 500 car parking structure, an additional supplemental highly landscaped 178 space surface parking lot is proposed on said vacant land.

The request was approved by the Solid Waste Division – DPW and the Planning and Development Department. 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.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,



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

cc: Alfred Jordan, Director – DPW
Mayor's Office

BY COUNCIL MEMBER: _____

RESOLVED, All of the north-south and east-west public alley(s) 16 ft. wd., in the block bounded by Cass Ave., 80 ft. wd., Woodward Ave., 120 ft. wd., W. Baltimore Ave., 60 ft. wd., and W. Milwaukee Ave., 60 ft. wd., lying in the City of Detroit, Wayne County, Michigan, being more particularly described as:

The East-West public alley 16 feet wide, lying Northerly of and abutting the North line of Lots 15 – 20, both inclusive, and lying Southerly of and abutting the South line of Lots 21 – 26, both inclusive, of "Leavitt's Subdivision of that part of Fractional Section 31, Town 1 South, Range 12 East, bounded by Milwaukee and Woodward Avenues, Grand Trunk Railroad and Rear Line of Private Claims and West Line of said Fractional Section 31, Also Lots 8 to 17, both inclusive, Part of Block 5 of Henry Webers Subdivision of Part of Fractional Sections 31 and 36, Town 1 South, Range 11 and 12 East, and Part of the Baker and Forsyth Farms", City of Detroit, Wayne County, Michigan, as recorded in Liber 9, Page 17, of Plats, Wayne County Records; Also, the North-South public alley, 16 feet wide, lying Westerly of and abutting the West Line of Lots 1 – 5, both inclusive, and lying Easterly of and abutting the East line of said Lots 20 and 21 of said "Leavitt's Subdivision of that part of Fractional Section 31, Town 1 South, Range 12 East, bounded by Milwaukee and Woodward Avenues, Grand Trunk Railroad and Rear Line of Private Claims and West Line of said Fractional Section 31, Also Lots 8 to 17, both inclusive, Part of Block 5 of Henry Webers Subdivision of Part of Fractional Sections 31 and 36, Town 1 South, Range 11 and 12 East, and Part of the Baker and Forsyth Farms", City of Detroit, Wayne County, Michigan, as recorded in Liber 9, Page 17, of 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 said alleys, which easements 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 alleys 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 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 public alleys 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 easements or rights-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 easements or rights-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, 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 alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

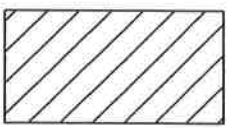
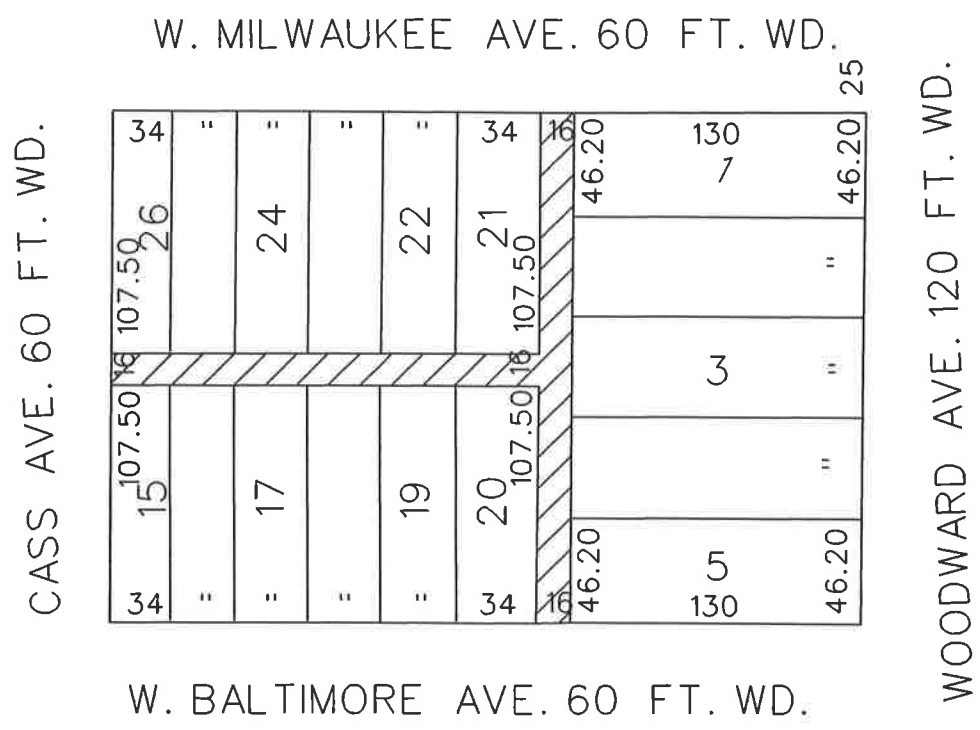
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 returns at the entrances (into W. Milwaukee, W. Baltimore or Cass Avenues), 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.

(A WAIVER OF RECONSIDERATION IS REQUESTED)

PETITION NO. 3296
 COLLEGE OF CREATIVE STUDIES
 METCO SERVICES, INC.
 C/O JAMES FOSTER
 313-995-1319



REQUESTED CONVERSION TO EASEMENT(S)

CARTO. MAP 31 E

(FOR OFFICE USE ONLY)

B						REQUEST TO CONVERT TO EASEMENT ALL OF THE PUBLIC ALLEYS IN THE BLOCK BOUNDED BY CASS, WOODWARD, E. BALTIMORE AND E. MILWAUKEE.	CITY OF DETROIT	
A							CITY ENGINEERING DEPARTMENT	
	DESCRIPTION	DRWN	CHKD	APPD	DATE		SURVEY BUREAU	
	DRAWN BY	REVISIONS					CHECKED	JOB NO. 01-01
	DATE	APPROVED						DRWG. NO. X3296.DGN