

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

RECEIVED
MAR 17 2010

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, March 11, 2010

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

- 183** *Olympia Development, request for conversion of alley to easement of properties abutting the alley of north/south & northwest/southeast Columbia, Cass, Elizabeth and Grand River.*

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[31]

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-CITY CLERK-

183

Olympia Development

Fox Office Center
2211 Woodward Avenue
Detroit, Michigan 48201-3467

313-983-6200 Phone
313-983-6199 Fax

February 11, 2010

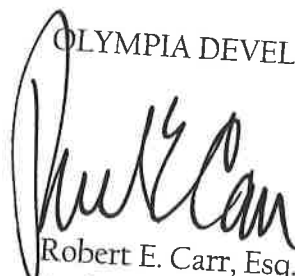
The Honorable City Council
City of Detroit
2 Woodward Avenue
Detroit, MI 48201

Re: Petition for Conversion of Alley to Easement

Dear City Council:

Please find attached the above-referenced petition being submitted on behalf of Olympia Development of Michigan, LLC ("Olympia"), which owns directly and indirectly each of the properties abutting the alleys for which conversion to an easement is hereby sought. The parcel not owned directly by Olympia, is owned by Moose Building, LLC whose sole member is Olympia. Thus, the attached Petition represents 100% of the ownership, directly and indirectly, of all properties abutting the alley for which conversion to easement is sought.

If you have any questions or need additional information, I am available at your convenience.

OLYMPIA DEVELOPMENT OF MICHIGAN, LLC

Robert E. Carr, Esq.
Authorized Agent

REC/ksb
Enclosure



September 23, 2010

Honorable City Council:

RE: Petition No. 183 – Olympia Development request for conversion of alleys to easement of properties abutting the alleys in the area of Columbia, Cass, Elizabeth and Grand River.

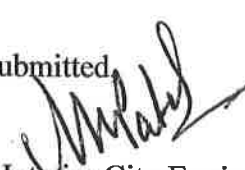
Petition No. 183 of “Olympia Development” request for the conversion of the north/south and east/west public alleys, 20 feet wide, all in the block bounded by Columbia Street, 60 feet wide, West Elizabeth Street, 50 feet wide, West Grand River Avenue, 100 feet wide, and Cass Avenue, 80 feet wide.

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 the public rights-of-way into private easements for the public utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,


Manilal Patel, 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 North – South public alley, 20 feet wide, lying Easterly of and abutting the East line of Lots 13 through 20, both inclusive, Block 74, in the “Plat of Subdivision of Part of the Cass Farm” north of Grand River Road, recorded March 12, 1860 as recorded in Liber 7, Page 74, Plats, Wayne County Records; and lying Westerly of and abutting West line of Lots 12 and 11, both inclusive, Block 75, in the “Subdivision of Part of the Cass Farm” north of the Grand River Road recorded June 28, 1861 Detroit, Wayne County, Michigan as recorded in Liber 1, Page 110, Plats, Wayne County Records;

Also, all that part of the North – South public alley, 20 feet wide, lying Easterly of and abutting the East line of Lot 8, Block 75, in the “Subdivision of Part of the Cass Farm” north of the Grand River Road recorded June 28, 1861 Detroit, Wayne County, Michigan as recorded in Liber 1, Page 110, Plats, Wayne County Records; and lying Westerly of and abutting the West line of Lot 25, Block 74, in the “Plat of Subdivision of Part of the Cass Farm” north of Grand River Road, recorded March 12, 1860 as recorded in Liber 7, Page 74, Plats, Wayne County Records; and lying Easterly of and abutting the East line of Lots 3 through 7, both inclusive, Block 74, in the “Plat of Subdivision of Part of the Cass Farm” north of Grand River Road, recorded March 12, 1860 as recorded in Liber 7, Page 74, Plats, Wayne County Records; and Lot 5 in the “Subdivision of Lot 1 and 2, Block 74 Cass Farm recorded April 26, 1803, as recorded in Liber 1, Page 135, Plats, Wayne County Record;

Also, all that part of the East – West public alley, 20 feet wide, lying Southerly of and abutting the South line of lots 8 through 11, both inclusive, Block 75, in the “Subdivision of Part of the Cass Farm” north of the Grand River Road recorded June 28, 1861 Detroit, Wayne County, Michigan as recorded in Liber 1, Page 110, Plats, Wayne County Records; and lying Northerly of and abutting the North line of Lots 24 and 25, both inclusive, Block 74, in the “Plat of Subdivision of Part of the Cass Farm” north of Grand River Road, recorded March 12, 1860 as recorded in Liber 7, Page 74, 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 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:

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 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 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 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, 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 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 alley return at the entrances (into Columbia and West Elizabeth Streets), 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

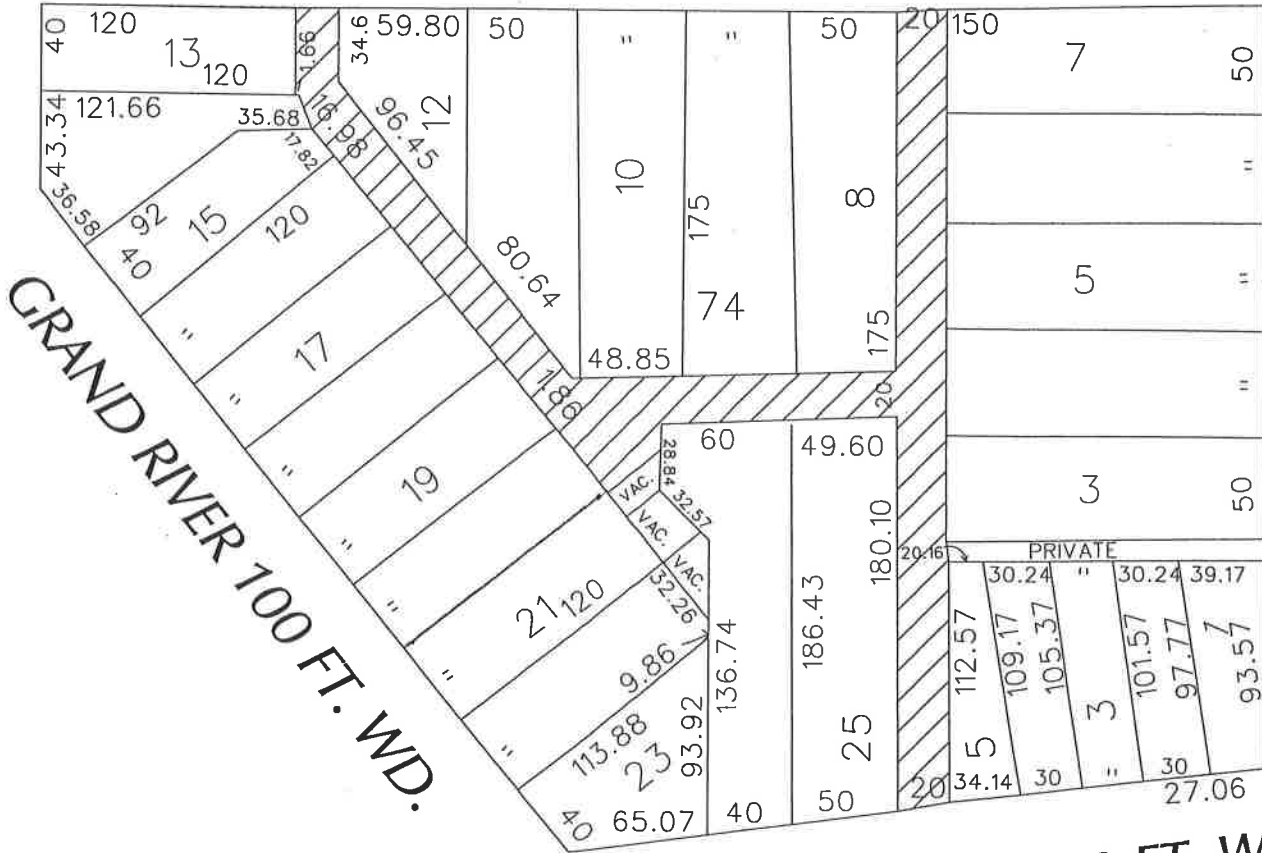
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

OLYMPIA DEVELOPMENT
 FOX OFFICE CENTER
 2211 WOODWARD AVENUE
 DETROIT, MICHIGAN 48201
 C/O ROBERT E. CARR, ESQ.
 PHONE NO. 313 983 6200
 FAX NO. 313 983 6199



COLUMBIA ST.

60 FT. WD.



CASS AVE. 80 FT. WD.

ELIZABETH ST. WEST 50 FT. WD.



- AREA OF EASEMENT

(FOR OFFICE USE ONLY)

CARTO 29 E

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KSM		CHECKED		
DATE	4-4-10		APPROVED		

REQUEST FOR TO CONVERT TO EASMENT
 ALLEYS IN THE AREA BOUND
 BY
 ELIZABETH, GRAND RIVER,
 COLUMBIA AND CASS

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X183.dgn