

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

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Friday, March 26, 2010*

*To: The Department or Commission Listed Below*

*From: Janice M. Winfrey, Detroit City Clerk*

---

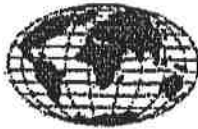
The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

---

PLANNING AND DEVELOPMENT DEPARTMENT    DPW - CITY ENGINEERING DIVISION

**232**    *Great Lakes Dialysis, LLC, requesting alley vacation and permit to install fence behind 14614 Kercheval between Manistique and Philip.*



232

# GREAT LAKES DIALYSIS, LLC

February 24, 2010

Honorable Janice M. Winfrey  
Clerk for City of Detroit  
200 Coleman A. Young Municipal Center  
Two Woodward Avenue  
Detroit, Michigan 48226

RECEIVED  
CITY OF DETROIT  
FEB 25 2010

Request to vacate alley behind 14614 Kercheval Street  
Detroit, Michigan

Dear Ms. Winfrey:

In the year 2007 our company developed the property located at 14614 Kercheval, Detroit, Michigan. Our business is a dialysis center that services Detroit residents primarily on the east side of the city. Our building is located at 14614 Kercheval and occupies the entire block between Manistique and Philip streets. We are requesting permission to close off the alley behind our building and put up a fence. By closing the alley we will be able to provide better security for our customers and staff.

We understand that utility companies will be able to come onto the land to do their work. Further, the fence would be installed and maintained by our company at our expense. If you have any questions regarding this matter, you may contact me at the following address:  
Attorney Clarence M. Bradfield, P.O. Box 2911, Southfield, Michigan 48076.

Your cooperation will be greatly appreciated.

Sincerely,

*Clarence M. Bradfield*

Clarence M. Bradfield

- 248 424 5560  
313 318 2152 CELL



March 17, 2011

Honorable City Council:

RE: Petition No. 232 – Great Lakes Dialysis, LLC requesting alley vacation and permit to install fence behind 14614 Kercheval between Manistique and Philip.

Petition No. 232 of “Great Lakes Dialysis, LLC” request for the conversion of a portion of the east – west public alley, 20 feet wide, (Deeded to the City of Detroit on February 14, 1950 JCC Pgs. 371-2) in the area of South of Kercheval Avenue, 80 feet wide, and between Philip Avenue, 60 feet wide, and Manistique Avenue, 60 feet wide, into a easement for public utilities. This request will provide better security for their customers and staff.

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 easement 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

RESOLVED, All that part of the East – West public alley, 20 feet wide, (Deeded to the City on Feb. 14, 1950 – JCC Pgs. 371-2) in the area South of Kercheval Avenue, 80 feet wide, and between Philip Avenue, 60 feet wide, Manistique Avenue, 60 feet wide lying Southerly of and abutting the South line of Lot 70 and lying Northerly of and abutting the North line of Lot 69 all in the “Fox Creek Subdivision part of P.C. 120 City of Detroit, Wayne County, Michigan” as recorded in Liber 25, Page 73, 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 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 easements 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 easements 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, 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 easements, or that no grade changes or storage of materials shall be made within said easements 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 streets and alleys shall request the removal and/or relocation of the aforementioned utilities in said easements, 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 easements 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 Philip 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 further

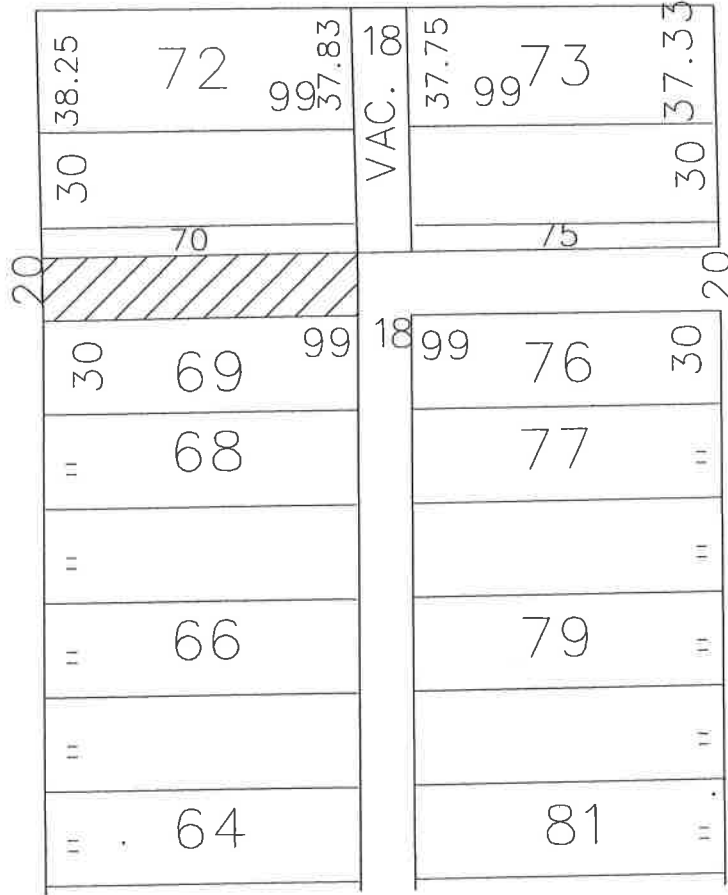
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

14614 KERCHEVAL AVE.  
 DETROIT, MICHIGAN 48215  
 C/O CLARENCE M. BRADFIELD  
 PHONE NO. 248 424 5560  
 CELL NO. 313 318 2152



**KERCHEVAL AVE. 80 FT. WD.**

**PHILIP AVE. 60 FT. WD.**



**MANISTIQUE AVE. 60 FT. WD.**



- AREA OF EASEMENT

(FOR OFFICE USE ONLY)

CARTO 28 B

<b>B</b> CHNG'D LIMITS & VACAT'N TO EASEM'T DESCRIPTION REVISIONS DRAWN BY <b>KSM</b> DATE <b>4-5-10</b>						<b>KSM</b> NP DRWN CHKD APPD DATE CHECKED APPROVED				<b>3/11/11</b>		<p align="center"> <b>REQUEST TO CONVERT TO EASEMENT            A PORTION OF THE EAST/WEST PUBLIC ALLEY            SOUTH OF KERCHEVAL            BETWEEN            MANISTIQUE AND PHILIP</b> </p>				<p align="center"> <b>CITY OF DETROIT            CITY ENGINEERING DEPARTMENT            SURVEY BUREAU</b> </p>			
										JOB NO. <b>01-01</b>									
										DRWG. NO. <b>X232.dgn</b>									