

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, August 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.

DPW - CITY ENGINEERING DIVISION

635 *Messiah Baptist Church, for use of approximately 10 feet of the eastern right-of-way margin on Roselawn, south of Seven Mile (8100 W. Seven Mile) for fenced parking lot.*



MESSIAH BAPTIST CHURCH
8100 West Seven Mile Road, Detroit, MI 48221
Telephone: 313-864-3337, Fax: 313-864-9301
Rev. Orville K. Littlejohn, Pastor
Email: messiahbaptistchurch@hotmail.com

July 26, 2010

The Detroit City Clerk's Office
2 Woodward, #200
Detroit, Michigan 48226

02 JUL 28 2010

RE: Petition to gain access to Roselawn R.O.W. margin

--CITY CLERK--

To the Honorable Detroit City Council,

Messiah Missionary Baptist Church is petitioning City Council for the use of approximately 10 feet of the eastern right-of-way (R.O.W.) margin on Roselawn, south of Seven Mile. Located at 8100 W. Seven Mile, Messiah is planning to construct a fenced parking lot on our property at the southeast corner of W. Seven Mile and Roselawn, which is presently a vacant lot directly across Seven Mile from the church. The addresses of the subject properties are:


8143 W. Seven Mile Rd., parcel 16008604 and
8135 W. Seven Mile Rd., parcel 16008603

Messiah is undertaking this project to reduce the amount of curb-side parking our members use to attend church functions, and create more off-street parking for our older members that often find curb-side parking inherently more dangerous to navigate, especially during winter. Additionally, messiah wants this parking lot to provide oversized 10' wide parking spaces and a 30' wide drive lane to reduce the likelihood of minor accidents. The width of the subject property is 75' and insufficient to accommodate the oversize requirements. Extending the parking lot to the west encroaching into the east 10' of the Roselawn R.O.W. is needed to construct the lot as planned. In exchange for allowing the use of the R.O.W. the project will demolish the existing Roselawn side walk, which is in disrepair, and rebuilding it 10' closer to Roselawn.

Design and construction drawings have been completed and will be provided upon request by our architect, Kenneth Crutcher of Crutcher Studio, 313-967-9929 (office), 313-477-1741 (direct). Also please direct technical questions to Mr. Crutcher. A description of this project is as follows: the lot shall be paved with asphalt and include drainage, site lighting, and both a motorized vehicular and a manual pedestrian gate. The lot will be enclosed by a 7' high decorative black steel fence. To enhance the lot and appease the community association, landscaping will be included along Roselawn and Seven Mile. An elevated guard house for security purposes is included to enable viewing of the proposed and existing lots, plus parking along Seven Mile road.

The favor of Council's approval to utilize a portion of the R.O.W. margin will be greatly appreciated.

Sincerely,


Arthur Phillips,
Messiah Baptist Church
Trustee Chairman



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

65 CADILLAC SQUARE, SUITE 900
DETROIT, MICHIGAN 48226
PHONE 313•224•3949
FAX 313•224•3471
WWW.DETROITMI.GOV

May 6, 2011

Honorable City Council:

RE: Petition No. 635 – Messiah Baptist Church, for use of approximately 10 feet of the eastern right-of-way margin on Roselawn, south of Seven Mile (8100 W. Seven Mile) for fenced parking lot.

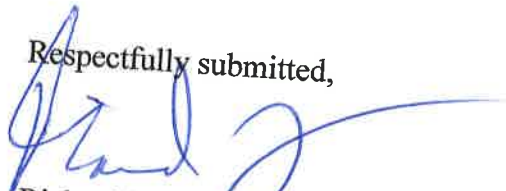
Petition No 635 of “Messiah Baptist Church”, request for conversion to easement the easterly 10.00 feet of Roselawn Avenue, 75 feet wide, between West Seven Mile Road, 66 feet wide, and the east – west open public alley, 18.00 feet wide, to enhance the abutting parking lot with fencing and provide a more effective parking lot.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,



Richard Doherty, Head 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 Easterly 10.00 feet of Roselawn Avenue, between West Seven Mile Road, 66 feet wide, and the East – West open public alley, 18.00 feet wide, lying Westerly of and abutting the West line of Lot 9 all in the “Burghardt’s Subdivision” of the Northeast ¼ of the Northwest ¼ of Section 9 T.1S.R.11E. Greenfield Township (now City of Detroit), Wayne County Michigan as recorded in Liber 42, Page 62, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities of the full width of the street, 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 street and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public street 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 street 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 street 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 street 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 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, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, 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

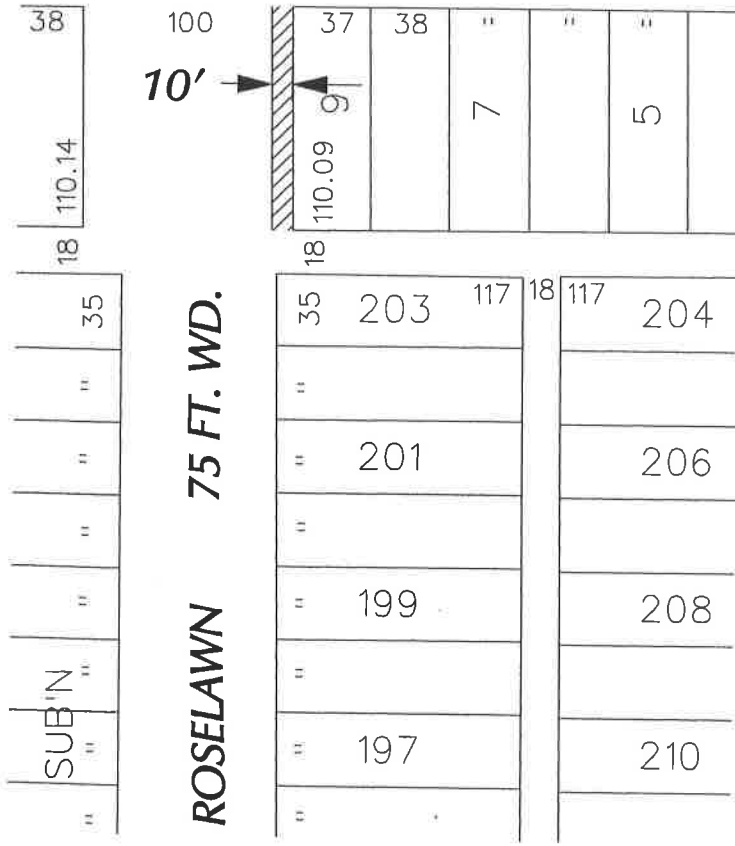
Provided, that if any time in the future, the owners of any lots abutting on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, 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

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

MESSIAH BAPTIST CHURCH
 8100 WEST SEVEN MILE ROAD
 DETROIT, MI. 48221
 C/O ARTHUR PHILLIPS
 PHONE NO. 313 864 3337
 FAX NO. 313 864 9301



WEST SEVEN MILE RD. 66 FT. WD.



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 89 B

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	KSM		CHECKED		
DATE	9-15-10		APPROVED		<i>nr</i>

REQUEST FOR CONVERSION TO EASEMENT
 A 10 FOOT STRIP OF ROSELAWN AVE. 100 FT.
 SOUTH OF SEVEN MILE ROAD

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X635.dgn