

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 PLANNING AND DEVELOPMENT DEPARTMENT
CITY PLANNING COMMISSION

661 *New Cadillac Square Apartments, Inc., to vacate and convert to an easement the alley running east of Bates, west of Randolph, south of Cadillac Square and north of Farmer.*

The New Cadillac Square Apartments, Inc.

111 Cadillac Square, Suite 300

Detroit, Michigan 48226

661
Telephone: 313.963.9490

June 8, 2010

City Council
City of Detroit
1340 City-County Building
Detroit, Michigan 48226

Re: The New Cadillac Square Apartments, Inc. - Alley Closing

Honorable City Council:

The New Cadillac Square Apartments, Inc., hereby requests your approval to vacate and convert to an easement the alley running east of Bates Street, west of Randolph Street, south of Cadillac Square, and north of Farmer Street.

The New Cadillac Square Apartments, Inc., acquired the property at 111 Cadillac Square in 1993, salvaging it from foreclosure, and has since transformed the property into a thriving apartment community. Of the numerous improvements made to the building, several large investments are particularly noteworthy; these include the complete modernization of three elevators, the addition of two state of the art boilers, thereby converting from central steam, and the replacement of all of the building's single pane windows with energy efficient thermal pane windows. Also, we are proud to employ a dedicated team of 12, including managers, leasing agents, doorpersons, and maintenance personnel.

The New Cadillac Square Apartments, Inc., requests this vacation and easement conversion in order to continue our nearly two decade history of improvements to the site. If granted our request, we plan to install a new fence around the parking lots adjacent to the apartment building, thereby increasing our residents' parking security. Such an improvement would also add to the current revitalization of the entire Campus Martius/Cadillac Square neighborhood.

Thank you for your consideration in this matter.

Sincerely,



Gerardo Pecchia, President

Enclosures

2010 JUL 12 P 10 34
DETROIT
CITY CLERK

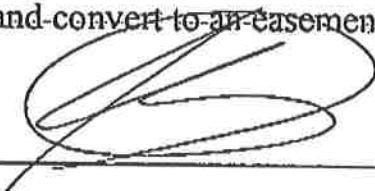
STATEMENT

I, Gerardo Pecchia, the current owner of:

131 Cadillac Square
Detroit, Michigan 48226

~~understand and approve of the proposal from The New Cadillac Square
Apartments, Inc. to vacate and convert to an easement the alley north of my~~
property.

Signed:



Date: June 8, 2010

Gerardo Pecchia (Print name)

Subscribed and sworn before me, this 8th day of June, A.D. 2010, a Notary Public
in and for Wayne County, Michigan.

Signed:



Notary Public

Rose M. Wiggle (Print name)

My commission expires on January 20, 2013

ROSE M. WIGGLE
Notary Public, State of Michigan
County of Wayne
My Commission Expires Jan. 20, 2013
Acting in the County of Wayne

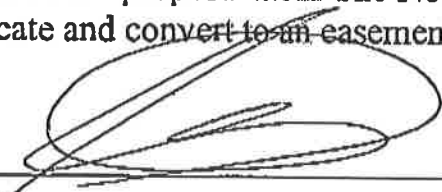
STATEMENT

I, Gerardo Pecchia, the current owner of:

901 Farmer Street
Detroit, Michigan 48226

understand and approve of the proposal from The New Cadillac Square
Apartments, Inc. to vacate and convert to an easement the alley south of my
property.

Signed:



Date: June 8, 2010

Gerardo Pecchia (Print name)

Subscribed and sworn before me, this 8th day of June, A.D. 2010, a Notary Public
in and for Wayne County, Michigan.

Signed:

Rose M. Wiggle, Notary Public

Rose M. Wiggle (Print name)

My commission expires on January 20, 2013

ROSE M. WIGGLE
Notary Public, State of Michigan
County of Wayne
My Commission Expires Jan. 20, 2013
Acting in the County of Wayne


STATEMENT

I, Gerardo Pecchia, the current owner of:

111 Cadillac Square
Detroit, Michigan 48226

understand and approve of the proposal from The New Cadillac Square
Apartments, Inc. to vacate and convert to an easement the alley north of my
property.

Signed:



Date: June 8, 2010

Gerardo Pecchia (Print name)

Subscribed and sworn before me, this 8th day of June, A.D. 2010, a Notary Public
in and for Wayne County, Michigan.

Signed:

Rose M. Wiggle, Notary Public

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ROSE M. WIGGLE
Notary Public, State of Michigan
County of Wayne
My Commission Expires Jan. 20, 2013
Acting in the County of Wayne

STATEMENT

I, Gerardo Pecchia, the current owner of:

925 Farmer Street
Detroit, Michigan 48226

understand and approve of the proposal from The New Cadillac Square
Apartments, Inc. to vacate and convert to an easement the alley south of my
property.

Signed:



Date: June 8, 2010

Gerardo Pecchia (Print name)

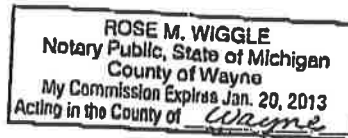
Subscribed and sworn before me, this 8th day of June, A.D. 2010, a Notary Public
in and for Wayne County, Michigan.

Signed:

Rose M. Wiggle, Notary Public

Rose M. Wiggle (Print name)

My commission expires on January 20, 2013



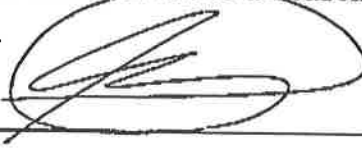
STATEMENT

I, Gerardo Pecchia, the current owner of:

939 Farmer Street
Detroit, Michigan 48226

understand and approve of the proposal from The New Cadillac Square
Apartments, Inc. to vacate and convert to an easement the alley south of my
property.

Signed:



Date: June 8, 2010

Gerardo Pecchia (Print name)

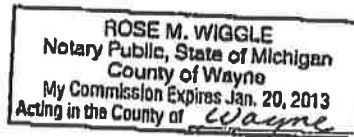
Subscribed and sworn before me, this 8th day of June, A.D. 2010, a Notary Public
in and for Wayne County, Michigan.

Signed:

Rose M. Wiggle, Notary Public

Rose M. Wiggle (Print name)

My commission expires on January 20, 2013





July 11, 2011

Honorable City Council:

RE: Petition No. 661 – New Cadillac Square Apartments Inc., to vacate and convert to an easement the alley running east of Bates, west of Randolph, south of Cadillac Square and north of Farmer.

Petition No. 661 “New Cadillac Square Apartments Inc.”, request conversion of the east – west public alley, 20 feet wide, in the block bounded by Bates Avenue, 60 feet wide, Randolph Avenue, 86 feet wide, Farmer Avenue, 56 feet wide, and Cadillac Square Boulevard, 200 feet wide, into an easement for utilities.

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, City 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 the East – West public alley, 20 feet wide, in the block bounded by Farmer Avenue, 56 feet wide, Cadillac Square Boulevard, 200 feet wide, Randolph Avenue, 86 feet wide, and Bates Avenue, 60 feet wide lying Northerly of and abutting the North line of Lots 37 through 40, both inclusive, and lying Southerly of and abutting the South line of Lots 77 through 74, both inclusive, and except that part taken for the opening/widening of Randolph Avenue all in the “Plan of Section Number Six in the City of Detroit Territory of Michigan confirmed unanimously by the Governor and Judges on the 27th Day of April 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board” as recorded in Liber 34, Page 545, Deeds, 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:

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 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 alley 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 incidental 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 if it becomes necessary to remove the paved alley return at the entrances (into Bates and Randolph 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 further

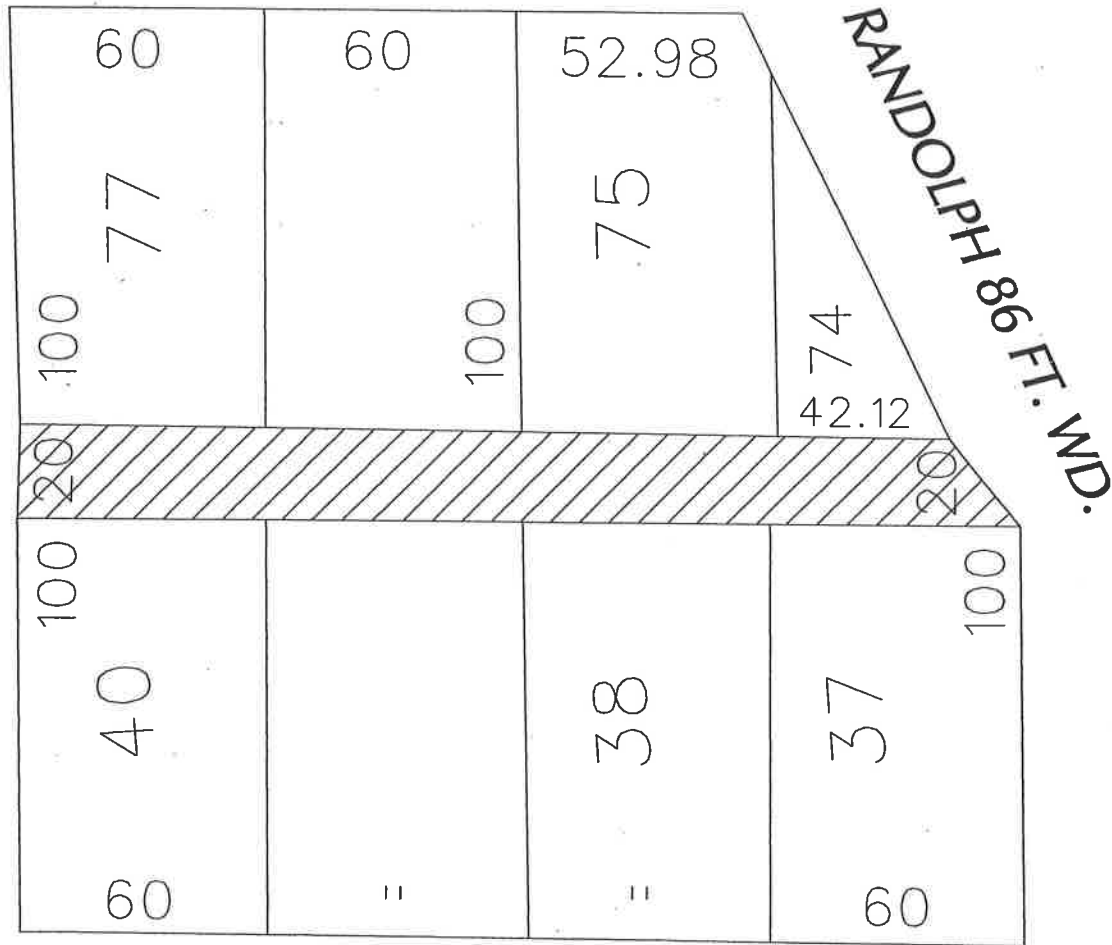
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 661
 NEW CADILLAC SQUARE APARTMENTS INC.
 111 CADILLAC SQUARE, SUITE 300
 DETROIT, MICHIGAN 48226
 C/O GERARDO PECCHIA
 PHONE NO. 313 963 9490



FARMER 56 FT. WD.

BATES 60 FT. WD.



CADILLAC SQUARE 200 FT. WD.



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 28 F

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KSM				
DATE	9-20-10				
	CHECKED				
	APPROVED	[Signature]			

REQUEST COVERSION TO EASEMNT
 THE E/W 20 FT. WD. ALLEY
 IN THE AREA BOUND BY
 CADILLAC SQUARE, BATES, FARMER
 AND RANDOLPH

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X661.dgn