

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, October 27, 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

752 *Takrix Solutions, LLC, request vacation of existing utility easements of north-south alley located west of Vermont and east of Huron between Pine and Spruce to support single family residential housing.*



752

211 W. Fort Street, Suite 720
Detroit, MI 48226

October 25, 2010

City of Detroit
Honorable City Council
C/o Office of the City Clerk
200 Coleman A. Young Municipal Center
Detroit, MI 48226

Re: Request to Vacate Street and Alley

Dear Ms. Winfrey,

I am writing to request vacation subject to existing utility easements of the north-south alley located west of Vermont Avenue and east of Huron Street between Pine Street and Spruce Street. The vacation will support development of single family residential housing.

A Survey has been provided to the City Engineer for purposes of analyzing the requirements for the right of way and any utility easements and to City Law Department for purposes of preparing a Deed to convey the property to property owners adjacent to the alley. Corktown Housing LLC and the City of Detroit own all property on West side of Vermont Street and East side of Huron Street, south side of Spruce Street between Pine Street and Spruce Street. The City of Detroit has approved selling all parcels within the boundaries to Corktown Housing, LLC for development of single family homes.

On behalf of Corktown Housing LLC the owner of the abutting properties I am available to assist you in any way including communication with the respective utility companies to promptly move forward with the above vacation.

Please forward all communication and material regarding this request to:

Taktix Solutions, LLC
211 W. Fort Street, Suite 720
Detroit, MI 48226

Should you have any questions or require further information please call Michelle Gilbert at 313 961-9446.

We look forward to working with you to bring new investment to the City of Detroit.

Thank you for your assistance.

Very truly yours,

Michelle Gilbert

Cc: City Engineering - Noel Perry
City Law Department

5 OCT 10 10:43

-CITY CLERK-



April 28, 2011

Honorable City Council:

RE: Petition No. 752 – Taktix Soutlions, LLC request vacation of the north – south public alley located west of Vermont and east of Huron between Pine and Spruce to support single family residential housing.

Petition No. 752 of “Taktix Soutlions, LLC”, on behalf of the Corktown Housing LLC request for the conversion of the North – South public alley, 20 feet wide, in the block bounded by Spruce Street, 50 feet wide, Pine Avenue, 50 feet wide, Huron Street, 50 feet wide, and Vermont Avenue, 50 feet wide, into a private easement for the utility companies.

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 the North – South public alley in the block bounded by Spruce Street, 50 feet wide, Pine Avenue, 50 feet wide, Huron Street, 50 feet wide, and Vermont Avenue, 50 feet wide, lying Westerly of and abutting the West line of Lots 73, 76, 81, 84, 89, 92, 97, 100 and the North 8.00 feet of vacate Pine Avenue (vacate on July 1, 2008 J.C.C. Pgs. 1778-9); Also lying Easterly of and abutting the East line of the North 8.00 feet of Lot 68 (except that part taken for the widen of Pine Avenue), and Lots 72, 77, 80, 85, 88, 93, 96 and 101 all in the “Plat of Larned Subdivision on the Lafferty Farm” July 24, 1855 as recorded in Liber 60, Page 2, 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 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 if it becomes necessary to remove the paved alley return at the entrances (into Pine Avenue and Spruce Street.), 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

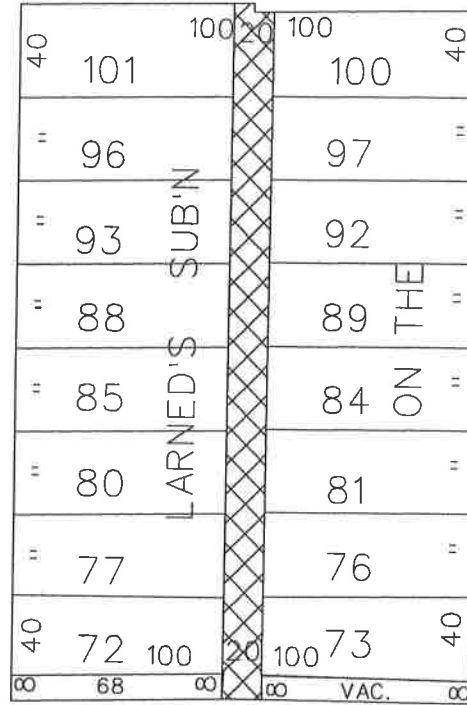
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

TAKTIX SOLUTIONS, LLC
 211 W. FORT STREET, SUITE 720
 DETROIT, MICHIGAN 48228
 C/O MICHELLE GILBERT
 PHONE NO. 313 961 9446



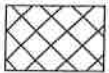
SPRUCE ST. 50 FT. WD.

HURON ST. 50 FT. WD.



VERMONT AVE. 50 FT. WD.

PINE AVE. 50 FT. WD.



- CONVERT TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 19 F

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KSM				
DATE	12-22-10				
CHECKED					
APPROVED					

REQUEST CONVERSION TO EASEMENT
 THE 20 FOOT WIDE NORTH/SOUTH ALLEY
 IN THE AREA BOUND BY
 SPRUCE, VERMONT, PINE AND HURON

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X752.dgn