

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, December 16, 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

- 779** *Plymouth Educational Center, requesting vacation of the Northerly 4 feet of Orleans Street and the Northerly 4 feet of the alley boundy by Canfield, Orleans, Superior and Dequindre be vacated.*



779

Refer to DPW
City Engineering ONLY

To: Detroit City Council
Office of the City Clerk

From: John Saad
Engineering Services Coordinator
Real Estate Development Division

Date: November 1, 2010

Re: Request For Petition Number
Plymouth Educational Center – Street/Alley Vacation

On June 1, 2010, Detroit City Council approved the sale by Development Agreement of Parcel 10 in Forest Park Rehabilitation Project No. 2 to Plymouth Educational Center.

Parcel 10 is generally bounded by Canfield, vacated Orleans Street, Superior and Dequindre. When Parcel 10 was created, Orleans Street and the public alley immediately to the East of Orleans Street, between Canfield Avenue and Superior Street were to be vacated. A survey of the property indicates that the Northerly 4 feet of Orleans Street and the Northerly 4 feet of the aforementioned alley have not been vacated. Both of these areas are within Parcel 10. Attached please find supporting documentation.

To correct this problem and allow for the sale of Parcel 10, the Planning and Development Department (P&DD) wishes to formally petition through the City Clerk's office, that the four feet (4') sections in question of Orleans Street and the public alley immediately to the East of Orleans Street be vacated and that all City records be amended to reflect such changes.

Please forward the Petition Number to the Project Manager, Alvin Mitchell, at (313)224-2375, at your earliest convenience.

Thank you for your assistance in this matter.

John Saad, Engineering Services Coordinator
Real Estate Development Division
Planning & Development Department

17 NOV 10 11:30

JS/AJM/cdc

--CITY CLERK--

Attachment(s)

cc: James Marusich

ARY
ETE




SURVEYOR'S NOTES

THE NORTHERLY 4 FEET OF ORLEANS STREET AND THE NORTHERLY 4 FEET OF THE PUBLIC ALLEY IMMEDIATELY TO THE EAST OF ORLEANS STREET HAVE NOT BEEN VACATED. BOTH OF THESE AREAS LIE WITHIN THE SUBJECT PROPERTY.

THE REMAINDER OF ORLEANS STREET AND THE ALLEY WERE VACATED BY RESOLUTION OF THE DETROIT CITY COUNCIL (J.C.C. NOV. 22, 1988, PGS. 2682-86, AS RECORDED IN LIBER 24485, PAGE 150, AND IN LIBER 24591, PAGE 882, WAYNE COUNTY RECORDS) ONLY UP TO A LINE 4 FEET SOUTH OF AND PARALLEL TO THE SOUTHERLY RIGHT OF WAY LINE OF CANFIELD STREET (60 FEET WIDE).

THE LEGAL DESCRIPTION PROVIDED BY GRECO CONTAINS AN ERROR THAT CAUSES A PORTION OF LOT 62 (AT THE SE CORNER OF THE SUBJECT PROPERTY) TO BE UNINTENTIONALLY INCLUDED IN THE SUBJECT PROPERTY.

BENCHMARK LIST

-  CENTER TOP NUT ON HYDRANT W SIDE OF DEQUINDRE ~330 FT. S OF CANFIELD. ELEVATION = 152.53
 -  CENTER TOP NUT ON HYDRANT W SIDE OF DEQUINDRE ~25 FT. S OF CANFIELD. ELEVATION = 154.00
 -  CENTER TOP NUT ON HYDRANT S SIDE OF CANFIELD ~290 FT. W OF DEQUINDRE. ELEVATION = 154.95
- CITY OF DETROIT VERTICAL DATUM: DETROIT + 479.755 FT = NGVD(1929)

GS
IRIGATE SYSTEM

CHMENTS
PLOTED HEREON.

ES
NG ORDINANCE, AS RECORDED IN VOLUME HEREON.

ILLATION, AS RECORDED IN LIBER COUNTY RECORDS, AND AS

JECT PROPERTY DESCRIBED AS THE REAR, AS RECORDED IN LIBER 24591, AND IN LIBER 24591, W.

CE
12)
CODE)

MENT DISTRICT -82 PERCENTAGES, AND FLOOR AREA OF AND RELATE WELL TO THE

PLY INFORMATION

ATION OF THE WAYNE COUNTY (1981) INDICATES SUBJECT

ND TYPES OF FACILITIES ONLY. ORDS. NO GUARANTEE IS GIVEN PRIOR TO CONSTRUCTION. ALL UTILITIES (IN CONFLICT WITH THE) TO BE LOCATED IN THE FIELD. DURING OPERATING MEAN OVERHEAD

LEGAL DESCRIPTION

LEGAL DESCRIPTION PROVIDED BY THE PHILIP F. GRECO TITLE COMPANY

LAND SITUATED IN THE CITY OF DETROIT, WAYNE COUNTY, MICHIGAN, DESCRIBED AS:

LOTS 8, 9, 10, 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 25, 47, 48, 49, 50, 51, 52, 53 THE WEST 63.84 FEET OF LOTS 54 THROUGH 60, INCLUSIVE, ALL OF LOT 15 AND 18, EXCEPT THAT PART TAKEN FOR THE WIDENING OF DEQUINDRE AVENUE, THE EAST 15 FEET OF LOT 7, THE EAST 15 FEET OF LOT 26 AND THE EAST 50 FEET OF LOT 40 THROUGH 46, INCLUSIVE, STOEPEL'S SUBDIVISION OF THE SOUTH 1/4 OF D. L. 3 AND PART OF LOT 8 OF THE SUBDIVISION OF D. L. 4, DEQUINDRE FARM, DETROIT, WAYNE COUNTY, MICHIGAN, RECORDED IN LIBER 8, PAGE 77 OF PLATS, WAYNE COUNTY RECORDS, ALSO THE NORTH 7 FEET OF LOTS 62* THROUGH 68, THE NORTH 7 FEET OF LOT 69 AND THE EAST 15 FEET OF THE NORTH 7 FEET OF LOT 70, STOEPEL'S SUBDIVISION, OF PART OF LOTS 7 AND 8, OUT LOT 4, DEQUINDRE FARM, DETROIT, WAYNE COUNTY, MICHIGAN, RECORDED IN LIBER 12, PAGE 14 OF PLATS, WAYNE COUNTY RECORDS, ALSO THE NORTH 26.10 FEET OF THE WEST 63.84 FEET OF THE EAST 141.84 FEET OF OUT LOT 3 LYING SOUTH OF THE SOUTH LINE OF CANFIELD AVENUE, THE NORTH 26.10 FEET OF THE WEST 111.84 FEET OF OUT LOT 3 LYING SOUTH OF THE SOUTH LINE OF CANFIELD AVENUE AND EAST OF THE EAST LINE OF ORLEANS STREET, AND THE EAST 50 FEET OF THE NORTH 26.10 FEET OF THE EAST 110 FEET OF OUT LOT 3 LYING SOUTH OF THE SOUTH LINE OF CANFIELD AVENUE AND WEST OF THE WEST LINE OF ORLEANS STREET; SUBDIVISION OF THE REAR OF THE ANTOINE DEQUINDRE FARM FOR THE ADMINISTRATION OF THE ESTATE OF ANTOINE RIVARD, RECORDED IN LIBER 15, PAGE 348 AND 349 OF DEEDS, CITY RECORDS, TOGETHER WITH VACATED ORLEANS STREET, VACATED E. WILLIS STREET AND VACATED ALLEYS (PORTIONS NOW BEING PUBLIC EASEMENTS) ADJOINING ALL ABOVE SAID LOTS.

* ... EXCEPT THAT PART (OF LOT 62) TAKEN FOR THE WIDENING OF DEQUINDRE AVENUE ...

SURVEYOR'S CERTIFICATION

TO WHOMSOEVER IT MAY CONCERN:

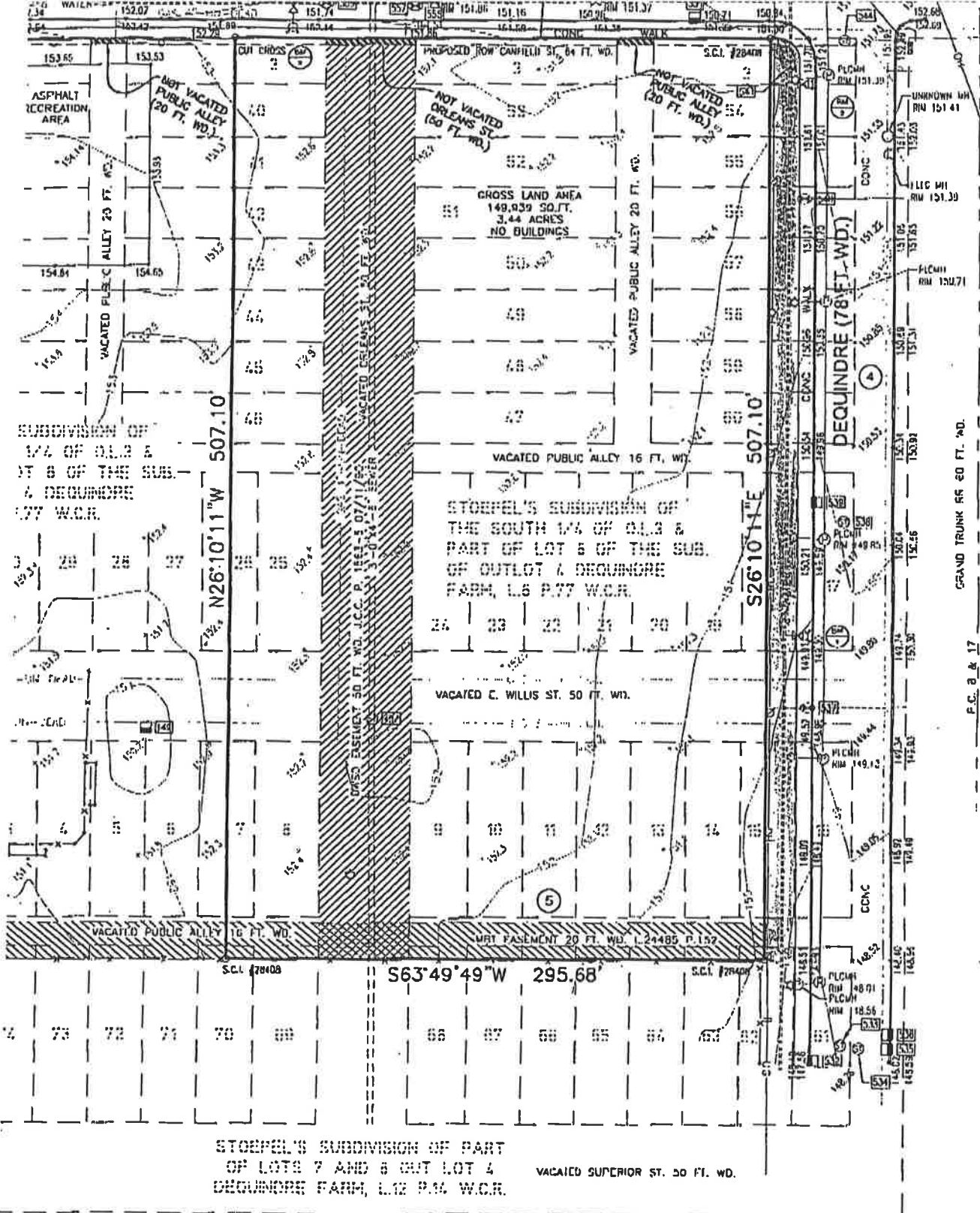
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1-5, 7A, 7B(1-2), 9, 10, 11A-B, AND 17 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF MICHIGAN, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

DATE: _____ BY: STEPHEN K. JACOBI, P.S.
PROFESSIONAL SURVEYOR #43057

**ALTA/ACSM
LAND TITLE SURVEY**

JOB NUMBER
10-071
SHEET

3031\005\10071 ALTA C30 2011.dwg, 9/27/2010 12:27:31 PM



SUBDIVISION OF
1/4 OF D.L.S. &
PT 6 OF THE SUB.
4 DEQUINDRE
L.77 W.C.R.

STOEPPEL'S SUBDIVISION OF
THE SOUTH 1/4 OF D.L.S. &
PART OF LOT 6 OF THE SUB.
OF OUTLOT 4 DEQUINDRE
FARM, L.6 P.77 W.C.R.

N26°10'11"W 507.10

S26°10'11"E 507.10

S63°49'49"W 295.68

STOEPPEL'S SUBDIVISION OF PART
OF LOTS 7 AND 8 OUT LOT 4
DEQUINDRE FARM, L.12 P.M. W.C.R.

VACATED SUPERIOR ST. 30 FT. WD.

GRAND TRUNK RS 60 FT. WD.

P.C. 8 & 17

PLANNED FARM LOTS

CANFIELD AVE.

60 FT. WD.

P.O.B.

WILLIS AVE.

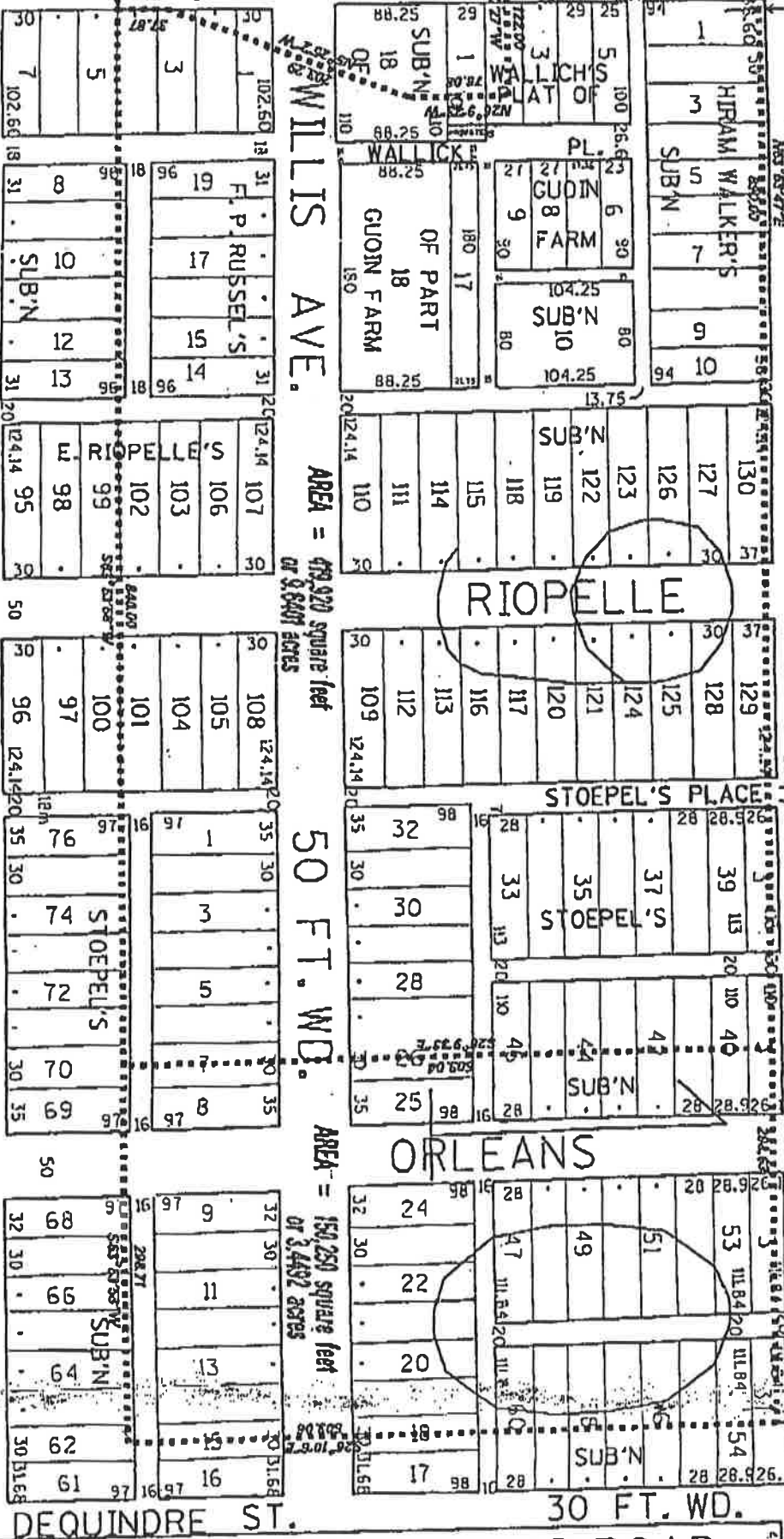
AREA = 49,920 square feet
OR 9,840 ACRES

50 FT. WD.

AREA = 150,250 square feet
OR 3,442 ACRES

SUPERIOR ST.

50 FT. WD.



GRAND TRUNK RAILROAD

FOR OFFICE USE ONLY

SCALE 1"=100'



June 23, 2011

Honorable City Council:

RE: Petition No. 779 – Plymouth Educational Center, requesting vacation of the northerly 4 feet of Orleans Street and the Northerly 4 feet of the alley bounded by Canfield, Orleans, Superior and Dequindre be vacated.

Petition No. 779 of “The Plymouth Educational Center” requests the conversion to easement the remaining portion (4.00 feet) of Orleans Street, 50 feet wide, between Canfield Avenue, 60 feet wide, and (vacated) Willis Avenue, 50 feet wide, and outright vacate the remaining portion (4.00 feet) of the north – south public alley, 20 feet wide, in the block bounded by Canfield Avenue, 60 feet wide, (vacated) Willis Avenue, 50 feet wide, Dequindre Avenue, 78 feet wide, and (vacated) Orleans Street, 50 feet wide. These closures will correct a problem/issue and facilitate the land sale, for the Planning and Development Department (P&DD).

The request was approved by the Planning and Development Department, the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility clearance) and report. This is our report.

The Detroit Water and Sewerage Department (DWSD) reports an existing sewer within Orleans Street, however, DWSD has no objection to a conversion to easement of that portion of Orleans Street provided DWSD’s provision is strictly followed.

All other city departments and private utility companies have reported no objections to the changes of the public rights-of-way. Provisions protecting utility installations are part of this resolution (if necessary).



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

I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard Doherty", written over a faint circular stamp or watermark.

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 Orleans Street, 50 feet wide, between Canfield Avenue, 60 feet wide, and Willis Avenue, 50 feet wide lying Westerly of and abutting the West line of the North 4.00 feet of Lot 3 and lying Easterly of and abutting the East line of the North 4.00 feet of Lot 3 all in the "Subdivision of the Rear of the A. Dequindre Farm for the Administration of the Estate of Antoine Rivard" as recorded in Liber 15, Page 348 and 349, City Records, 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 easement, 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, including 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

RESOLVED, All that part of the North – South public alley, 20 feet wide, in the block bounded by Canfield Avenue, 60 feet wide, (vacated) Willis Avenue, 50 feet wide, (vacated) Orleans Street, 50 feet wide, and Dequindre Avenue, 78 feet wide, lying Westerly of and abutting the West line of the North 4.00 feet of Lot 3 and lying Easterly of and abutting the East line of the North 4.00 feet of Lot 3 all in the “Subdivision of the Rear of the A. Dequindre Farm for the Administration of the Estate of Antoine Rivard” as recorded in Liber 15, Page 348 and 349, City Records, Wayne County Records;

Be and the same is hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions;

PROVIDED, that the petitioner owns all the property service by the sewer in the alley and bulkhead the sewer in the alley to assure no additional wastewater is transported to DWSD’s sewers; and

Provided, that if there is a cost for removing and/or rerouting utility installations in said requested area the petitioner and its assigns/heirs will pay all cost, and

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

PLYMOUTH EDUCATIONAL CENTER
 CITY OF DETROIT
 PLANNING AND DEVELOPEMENT DEPARTMENT
 2300 CADILAC TOWER
 65 CADILLAC SQUARE
 DETROIT, MICHIGAN 48226
 C/O ALVIN MITCHELL
 PHONE NO. 313 224 2375



CANFIELD AVE. 60 FT. WD.

EASEMENT ORLEANS ST 7-11-98 J.C.C. PGS. 1563-1565	32	24	98	16	28	28.926.1	3	111.84	20	63.84	3	26.1	
	30						53	111.84	20	63.84	54	28.926.1	
	=	22					"	51	11-22-89		"	28	
	=						"	49	VACATED		"	"	
	=						"	47			"	"	
	30						16	111.84	20	63.84	60	28	
								J.C.C. PGS. 2682-2686	16		16		

WILLIS AVE. 50 FT. WD.
 VACATED

DEQUINDRE 78 FT. WD.

- OUTRIGHT VACATE

(FOR OFFICE USE ONLY)

CARTO 40 D

B						REQUEST TO VACATE 4 FEET OF ORLEANS SOUTH OF CANFIELD SOUTH P.L. AND SAME TO 20 FT. WD. NORTH SOUTH ALLEY IN AREA BOUND BY CANFIELD, ORLEANS, WILLIS AND DEQUINDRE	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU																									
A	<table border="1" style="width: 100%;"> <tr> <th>DESCRIPTION</th> <th>DRWN</th> <th>CHKD</th> <th>APPD</th> <th>DATE</th> </tr> <tr> <td colspan="5" style="text-align: center;">REVISIONS</td> </tr> <tr> <td>DRAWN BY</td> <td colspan="4">CHECKED</td> </tr> <tr> <td>DATE</td> <td colspan="4">APPROVED</td> </tr> <tr> <td>2-7-11</td> <td colspan="4" style="text-align: center;"></td> </tr> </table>						DESCRIPTION	DRWN	CHKD	APPD	DATE	REVISIONS					DRAWN BY	CHECKED				DATE	APPROVED				2-7-11					JOB NO. 01-01 DRWG. NO. X779.dgn
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