

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Monday, June 27, 2011

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

1023 *DFS, LLC, to vacate alley and convert to public easment property abutting
6876 Michigan and 4651 Braden.*

RECEIVED JUL 11 2011

Carto BC
LVM 112

CEA

PETITION FOR CONVERSION OF ALLEY TO EASEMENT
 Detroit, MI

Date APRIL 20 2011

TO THE HONORABLE CITY COUNCIL:

Gentlemen: We, the undersigned owners of the property abutting the alley:

At Michigan (6876 Michigan) and Braden (4651 Braden)
 Location of Alley (See attached)

do respectfully petition your Honorable Body to vacate said alley and convert same into a public easement.

Further, the undersigned representing not less than two-thirds (66-2/3%) ownership of property abutting said alley hereby agree that all existing utilities in said alley are to remain in their present location, and that if at any time in the future a request is made to remove or relocate any existing poles or other utilities in the easement, the property owners making such request and upon whose property the pole or other utilities are located will pay all costs incurred in such removal or relocation unless such charges are waived by the utility owners.

We do further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon the easement or any part thereof, so that said easement shall be forever accessible for maintenance of utilities.

SPONSORING PETITIONER DFS, LLC, 26200 American Drive, Southfield, Michigan
 (Name) (Address) (Phone No.)
 (313) 963-3873 Avery K. Williams

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
18 and 19 Co. H Larking	DFS, LLC	<i>Avery Williams</i>	4651 Braden	4/20/11

A.williams@williamsacosta.com

(Over)

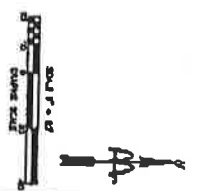
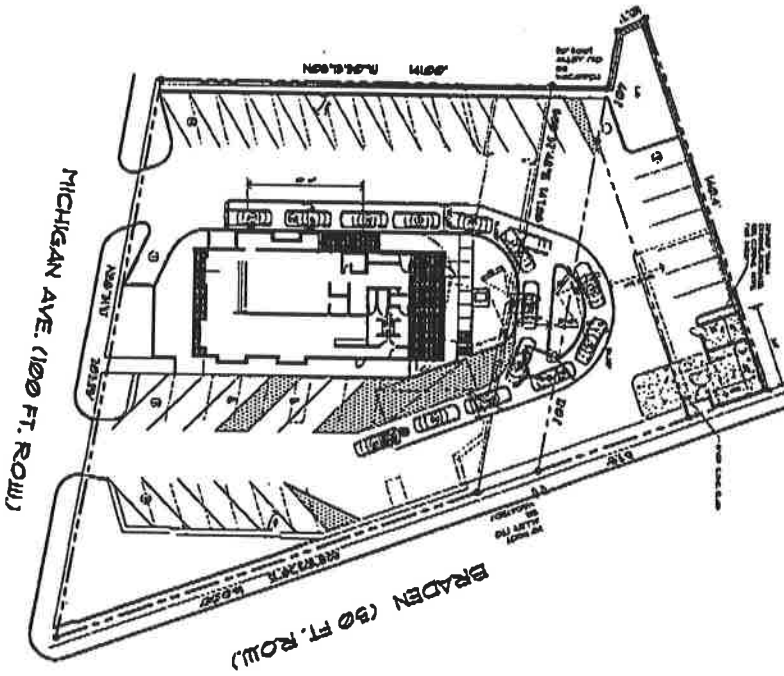
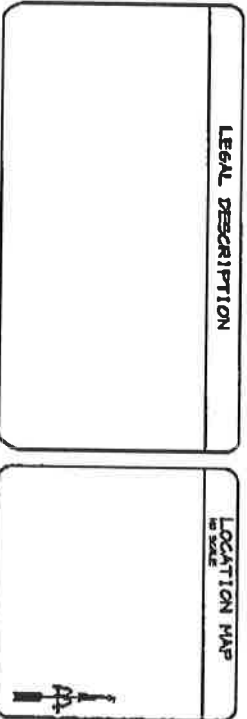
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 --CITY CLERK--

LEGAL DESCRIPTION

LOCATION MAP
IN SCALE

EXISTING SITE NOTE:
EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED AS SHOWN ON THE RECORD DRAWINGS.

LANDSCAPE NOTE:
LANDSCAPE NOTE IS SHOWN ON SHEET 021-0455.



GENERAL NOTES

1. EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED AS SHOWN ON THE RECORD DRAWINGS.
2. LANDSCAPE NOTE IS SHOWN ON SHEET 021-0455.
3. ALL DIMENSIONS ARE IN FEET AND INCHES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
6. THE CONTRACTOR SHALL PROTECT ALL EXISTING TREES AND LANDSCAPE FEATURES.
7. THE CONTRACTOR SHALL MAINTAIN PROPER DRAINAGE AND EROSION CONTROL MEASURES.
8. THE CONTRACTOR SHALL MAINTAIN PROPER SAFETY MEASURES DURING CONSTRUCTION.
9. THE CONTRACTOR SHALL MAINTAIN PROPER RECORD DRAWINGS AND AS-BUILT DRAWINGS.
10. THE CONTRACTOR SHALL MAINTAIN PROPER COMMUNICATIONS WITH THE OWNER AND ARCHITECT.

DATE: 02/15/2008
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: 021-0455

PROJECT LOCATION:
 15000 MICHIGAN AVE (S 30000)
 BRADEN (50 FT. ROW)

CLIENT: [Name]
 ARCHITECT: [Name]

PHASE: [Phase]
 DATE: [Date]

SCALE: 1/8" = 1'-0"

PROJECT NO: 021-0455

SITE LOCATION

DETAILED SITE PLAN

PLAN APPROVALS

NO.	DATE	APPROVAL

DATE: 02/15/2008

PROJECT NO: 021-0455

CLIENT: [Name]

PHASE: [Phase]

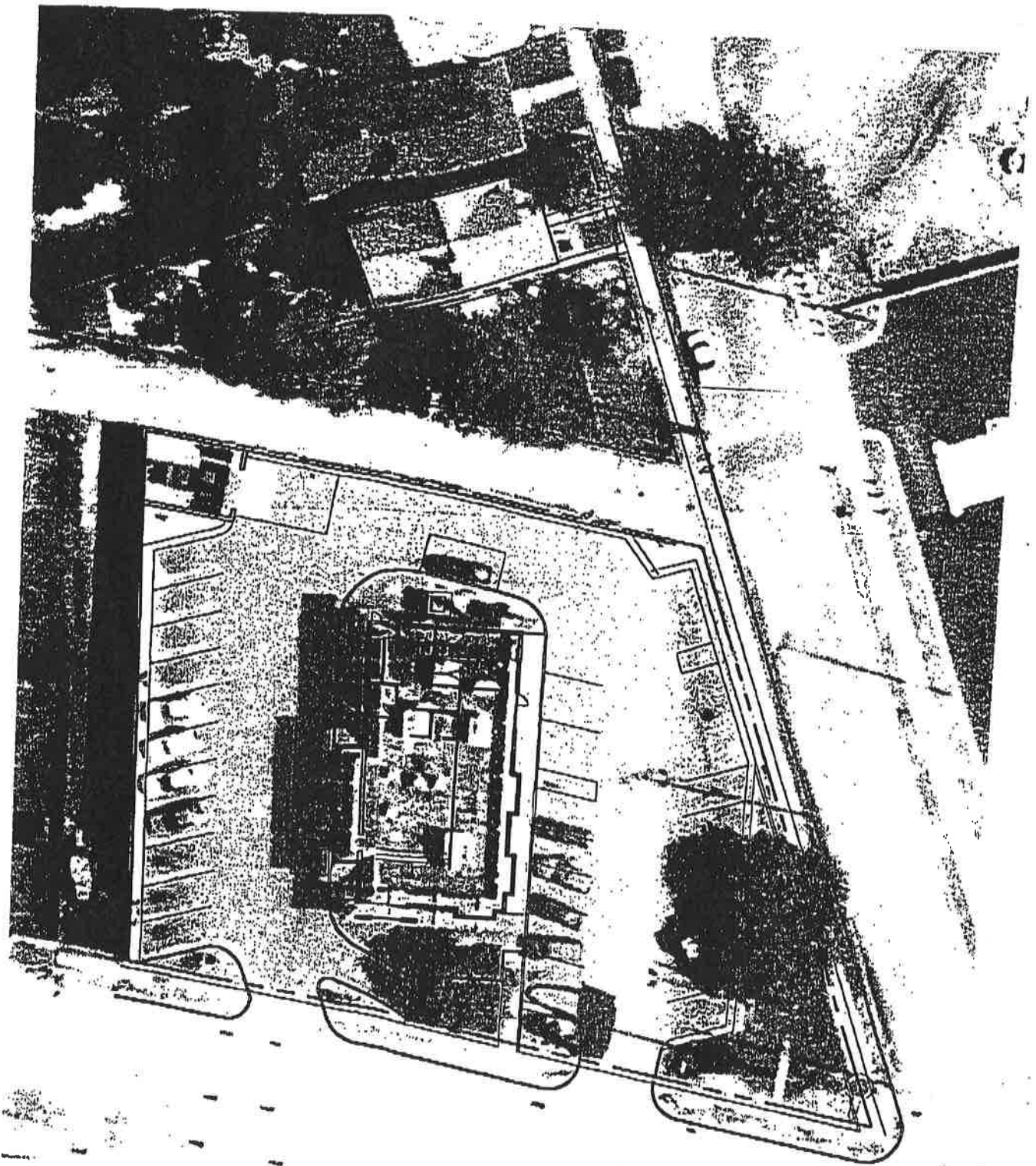
SCALE: 1/8" = 1'-0"

PROJECT NO: 021-0455

SITE LOCATION

DETAILED SITE PLAN







March 14, 2012

Honorable City Council:

RE: Petition No. 1023 – DFS LLC, request to vacate alley and convert to public easement property abutting 6876 Michigan and 4651 Braden.

Petition No. 1023 of “DFS LLC”, request the conversion the easterly portion of the East – West public alley, 20.00 feet wide, in the block bounded by Horatio Avenue, 50 feet wide, Michigan Avenue, 100 feet wide, Larkins Avenue, 60 feet wide, and Braden Avenue, 50 feet wide, into a private easement for utilities. This closure will facilitate the necessary land needed for the McDonald’s expansion project.

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, 20.00 feet wide, in the block bounded by Horatio Avenue, 50 feet wide, Michigan Avenue, 100 feet wide, Larkins Avenue, 60 feet wide, and Braden Avenue, 50 feet wide, lying Southerly of and abutting the South line of Lot 18 and the East 27.76 feet of Lot 19 and lying Northerly of and abutting the North line of a portion of land being 5.00 feet wide by 160 feet long all in the “GEO. H. Larkins Subdivision” of part of Lot 1 of the Partition of Estate of William Larkins being the Central part of P.C. 719 Circuit Court File #1844 in Chancery, City of Detroit, Wayne County, Michigan as recorded in Liber 43, Page 17, Plats, Wayne County Records; Also lying Northerly and abutting the North line of the East 142.86 feet of Lot 1 in the “Partition of Estate of William Larkin Circuit Court File #1844 in Chancery, City of Detroit, Wayne County, Michigan;

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

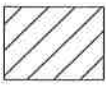
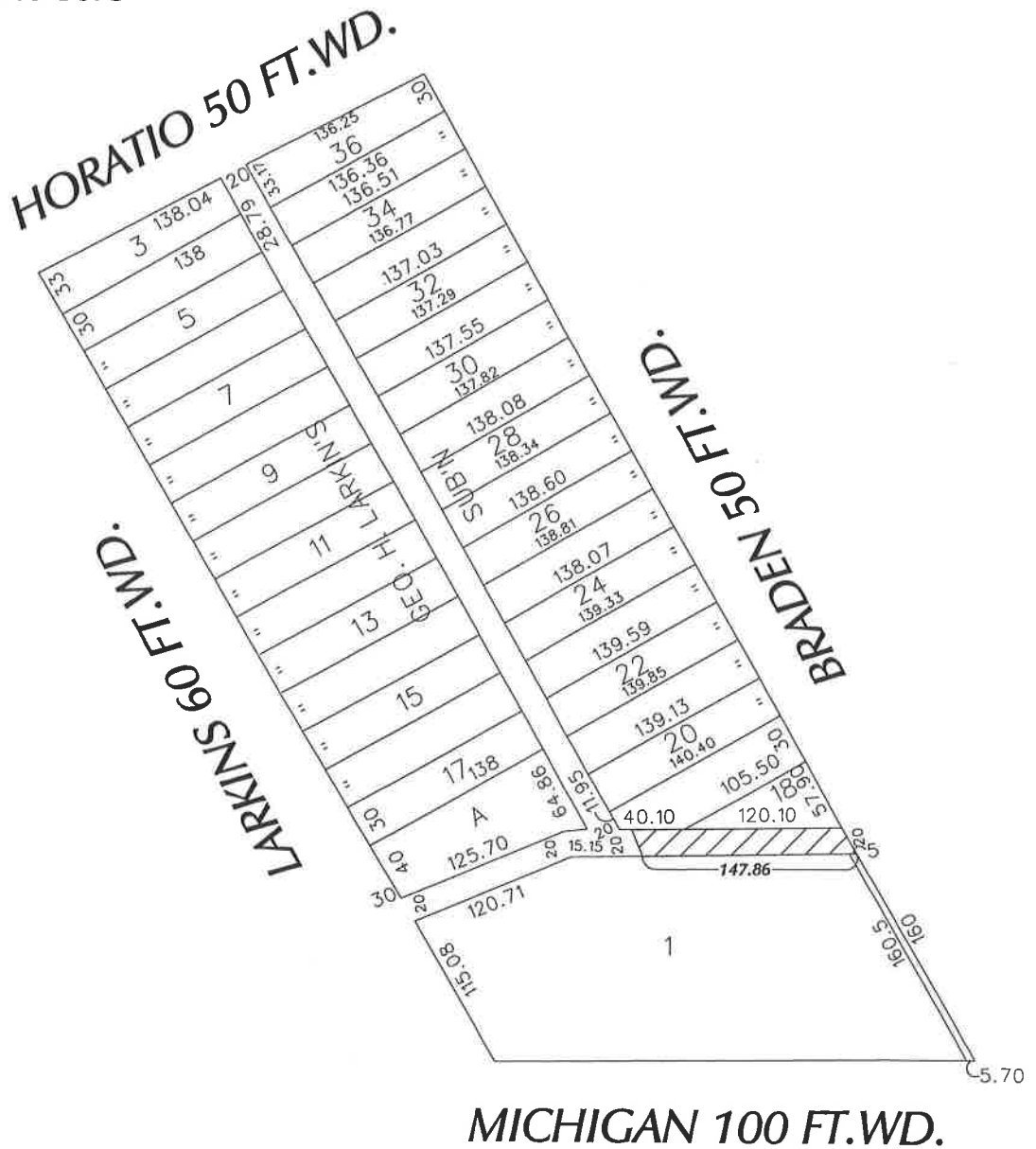
Provided, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within 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 incidental 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 Barden 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.

PETITION NO. 1023
 DFS, LLC
 26200 AMERICAN DR.,
 SOUTHFIELD, MICH.
 c/o AVERY WILLIAMS
 PHONE NO. 313-963-3873



- REQUESTED CONVERSION TO EASEMENT

CARTO. 13 C

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NP	CHECKED			
DATE	10-25-11	APPROVED			

REQUESTED CONVERSION TO EASEMENT THE EAST PORTION OF THE EAST-WEST ALLEY IN BLK. BND. BY MICHIGAN, HORATIO, BRADEN, AND LARKINS.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x1023.dgn