

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Friday, August 26, 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

2005 *TEF-Three, LLC, for closure with easement of commercial and residential alley right of ways bounded by Calvert to north, Glynn Ct. to south, Hamilton to west and Third to east.*

Carlo 32B
LUM 10

2005

Gwendolyn A. Lewis, MBA

Individual Real Estate Broker
2146 Marlborough Street, Detroit, Michigan 48215
(313) 674-0109 / Fax: (313) 933-3052

August 9, 2011

The Honorable City Council
City of Detroit
Attention: Office of the City Clerk
200 Coleman A. Young Municipal Center
Detroit, Michigan 48226

RE: **Petition to Vacate Alley Right of Way with Easement**
Petitioner: TEF-Three, LLC
Duane Doty Elementary School

20 AUG 11 11:02

--CITY CLERK--

TEF-Three, LLC, located at 40500 Ann Arbor Road, Suite 200, Plymouth, Michigan 48170 requests this honorable body to effect the closure with easement of the commercial and residential alley right of ways generally bounded by Calvert Street to the north, Glynn Ct to the south, Hamilton to the west, and Third Street to the east (see attached sketch).

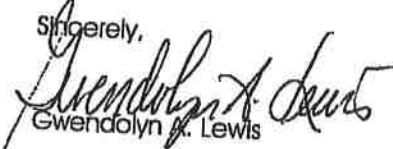
TEF-Three, LLC is currently rehabilitating the historic Duane Doty Elementary School located at 10225 Third Street, Detroit, MI 48202. The plan is to place the Duane Doty Elementary School in service to the surrounding community in September of 2012. Approval of this request will facilitate an orderly pick-up / drop off route on the school's campus. In addition, approval will ensure an uninterrupted flow of unrelated vehicular traffic around the school at the time of the students arrival and dismissal.

We are in the process of obtaining the necessary approval of the adjacent property owners. At your earliest convenience, please forward a petition card to:

Ms. Gwendolyn A. Lewis
2146 Marlborough Street
Detroit, Michigan 48215

If you have any questions, please do not hesitate to contact me at (313) 674-0109. Thank you.

Sincerely,


Gwendolyn A. Lewis

--CITY CLERK--

10 AUG 11 2:50

Exhibit "A"

ALLEY VACATION & GRANT OF EASEMENT



HAMILTON AVENUE
(100' ROW)

ALLEY TO BE VACATED:

A 19-FOOT WIDE "L-SHAPED" PUBLIC ALLEY IN THE CITY OF DETROIT, COUNTY OF WAYNE, STATE OF MICHIGAN, IN THE "VOIGT PARK SUBDIVISION", AS RECORDED IN LIBER 22 OF PLATS, PAGE 94, WAYNE COUNTY RECORDS, AND IS DESCRIBED AS FOLLOWS:

THE EASTERLY PORTION OF THE 19-FOOT WIDE PUBLIC ALLEY, CONSISTING OF 35 FEET AND LYING APPROXIMATELY 512.83 FEET EAST OF THE EAST LINE OF HAMILTON AVENUE AND BETWEEN CALVERT AVENUE AND GLYNN COURT, BEING THAT PORTION OF SAID ALLEY LYING BETWEEN THE EASTERLY 16 FEET OF LOTS 75 AND 138 AND THE WESTERLY 19 FEET OF LOTS 76 AND 137; ALSO, ALL OF THE NORTHERLY LEG OF THE 19-FOOT WIDE ALLEY CONSISTING OF 124.17 FEET AND LYING SOUTH OF THE SOUTH LINE OF CALVERT AVENUE, BEING THAT PORTION OF SAID ALLEY LYING ON THE WESTERLY 19 FEET OF LOT 76, ALL IN THE SAID "VOIGT PARK SUBDIVISION".

EASEMENT TO BE GRANTED:

LAND IN THE CITY OF DETROIT, COUNTY OF WAYNE, STATE OF MICHIGAN, TO BE GRANTED FOR PUBLIC USE AND DESCRIBED AS FOLLOWS:

THE WESTERLY 19-FOOT OF LOT 138, IN THE "VOIGT PARK SUBDIVISION", AS RECORDED IN LIBER 22 OF PLATS, PAGE 94, WAYNE COUNTY RECORDS.

A PORTION OF ALLEY PREVIOUSLY VACATED BY CITY RESOLUTION ON MAY 31, 1911, RECORDED IN CITY JOURNAL 1911, PAGE 910



ENGINEERS
NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257

 ALLEY TO BE VACATED

 EASEMENT TO BE GRANTED FOR PUBLIC ALLEY

PREPARED FOR:
ALLEY VACATION

SCALE
1" = 100'

DATE
08-10-11

DRAWN
BB

JOB NO.
G278

SHEET
1 OF 1

GLYNN COURT
(80' ROW)

117.00'			124.17'
152			61
35' 37.75	151	35'	35' 39.52
"	150	"	"
"	149	"	"
"	148	"	"
"	147	"	"
"	146	"	"
"	145	"	"
"	144	"	"
"	143	"	"
"	142	"	"
117.00'			124.17'
35'	141	35'	35'
"	140	"	"
"	139	"	"
	138		
	137		
	136		
	135		
	134		
	133		
	132		
35'	131	35'	35'
40'	130	40'	35'
117.00'			124.17'

CALVERT AVENUE
(66' ROW)

THIRD STREET
(80' ROW)

PETITION FOR CONVERSION OF ALLEY TO EASEMENT
 Detroit, MI

Date 8/9 2011

TO THE HONORABLE CITY COUNCIL:

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

Calvert (W), Third (E), Hamilton (W), Glynw (S)
 Location of Alley

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 TEF-THREE, LLC 40500 Ann Arbor, Plymouth MI.
 (Name) (Address) (Phone No.) 48170

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
74	<i>John B. Cleary</i>		40500 Ann Arbor Plymouth, MI	
75	<i>John B. Cleary</i>		40500 Ann Arbor Plymouth, MI	
76	<i>John B. Cleary</i>		"	
137	<i>John B. Cleary</i>		"	
138	<i>John B. Cleary</i>		"	

(Over)



November 15, 2011

Honorable City Council:

RE: Petition No. 2005 – TEF – Three, LLC for closure with easement of commercial and residential alley right of ways bounded by Calvert to north, Glynn Ct. to south, Hamilton to west and Third to east.

Petition No. 2005 of “TEF – Three LLC, request for the conversion of the a portion of East – West public alley, 19.00 feet wide, and the North – South public alley, 19.00 feet wide, (Deeded on January 9, 1912) all in the block bounded by Calvert Avenue, 66 feet wide, Glynn Court, 80 feet wide, Hamilton 100 feet wide, and Third Avenue 80 feet wide, into easements. This request will facilitate an orderly pick-up and drop off route on the school’s campus.

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

The Petitioner has on file original U.S. Postal Certified Mail receipt with the City Engineering Division – DPW of letters sent to property owners abutting said alleys, requesting their consent to the closure of said alleys. The letters and an attempt was made at every home abutting the said alleys, however, only 8 out of 28 property owners consented to the closure of the alley. The other 20 property owners did not sign off or no response was given.

A site visit was conducted to determine if said alley was still in use. The Alley was over grown with weeds to the point a car could not travel down the alley. Also it was noted that majority of the homes abutting said alley was abandoned and open to trespass. It was also noted that the homes abutting said alley did not have access from the front of their property to the rear or garage.

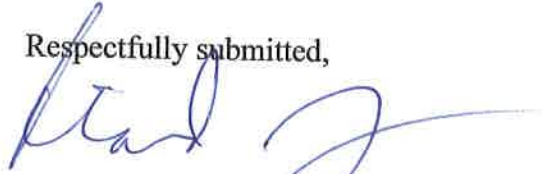
City Engineering Division – Survey Bureau – DPW understands that the petitioner has acquired sign offs from all the property owners that still live in the homes abutting said alley, however, if at anytime in the future when the abandoned homes are sold the buyers will not have access to the rear of properties or garage. Because of this issue it is our recommendation that the alley be dead-end at the petitioner property. The attached resolution will reflect the

dead-end alley to protect the future and current property owner access to the rear of properties and/or garage of said alley.

All City Departments and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into private easements for public utilities. Provisions protecting utility installations are part of the attached resolution.

The resolution is attached for consideration by your Honorable Body.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard Doherty", with a long horizontal flourish extending to the right.

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 North – South public alley, 19.00 feet wide, (Deeded to City of Detroit on January 9, 1912) being the Westerly 19.00 feet of Lot 76 all in the “Voight Park Subdivision” of E.W. Voight’s Subdivision of Voight Park Farm part of ¼ Section 36, 10,00 Acre Tract, Detroit, Wayne County, Michigan as recorded in Liber 22, Page 94, Plats, Wayne County Records;

Also, all that part of the East – West public alley, 19.00 feet wide, lying Southerly of and abutting the South line of Lot 75 and lying Northerly of and abutting the North line of Lot 138 and the west 19.00 feet of Lot 137 all in the “Voight Park Subdivision” of E.W. Voight’s Subdivision of Voight Park Farm part of ¼ Section 36, 10,00 Acre Tract, Detroit, Wayne County, Michigan as recorded in Liber 22, Page 94, Plats, Wayne County Records;

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

First, said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public alleys 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 public alleys in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated alleys 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 easements 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 alleys 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 rights-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

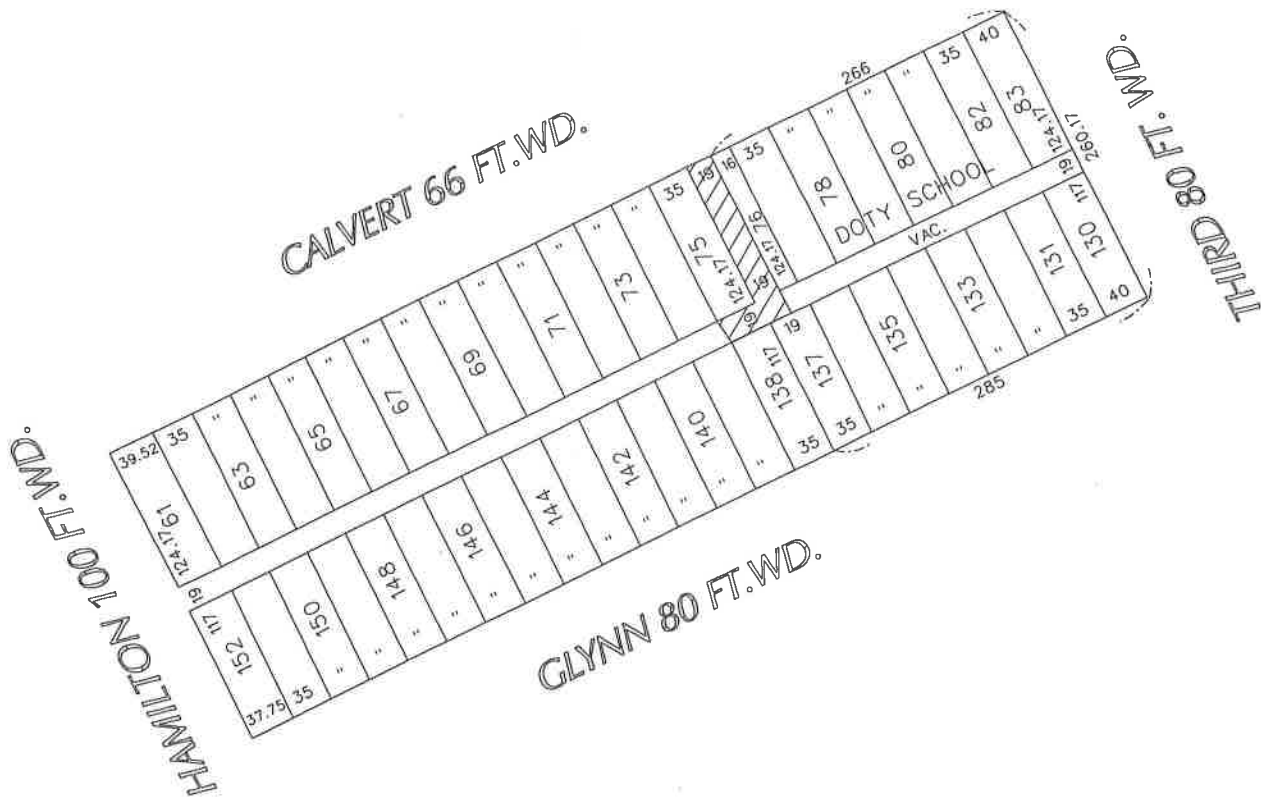
Provided, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, porches, patios, balconies, etc., shall be built upon or over said easements, or that no grade changes or storage of materials shall be made within said easements 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 alleys shall request the removal and/or relocation of the aforementioned utilities in said easements, 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 easements 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 entrance (into Calvert 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. 2005
 TEF-THREE
 c/o GWENDOLYN LEWIS
 2146 MARBOROUGH STREET
 DETROIT, MI 48215
 313-674-0109



 - REQUESTED CONVERSION TO EASEMENT

CARTO 32 B

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NP	CHECKED			
DATE	8-30-11	APPROVED			

REQUESTED CONVERSION TO EASEMENT THE EAST-WEST AND THE REMAINING PORTION OF THE NORTH-SOUTH PUBLIC ALLEY ALL IN THE BLK. BND. BY CALVERT, GLYNN CT., THIRD, AND HAMILTON.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. x2005.dgn