

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, February 02, 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.

DPW - CITY ENGINEERING DIVISION

809 *Old Redford Academy Preparatory School, to vacate a portion of Redford Street between Grand River and McNichols, to create an academic campus for the two schools.*



November 7, 2011

Honorable City Council:

RE: Petition No. 809 – Old Redford Academy Preparatory School request to vacate a portion of Redford Avenue between Grand River and McNichols.

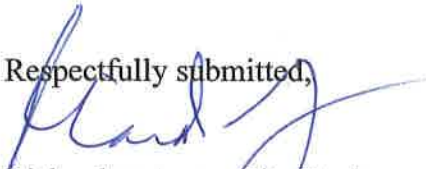
Petition No. 809 of “Old Redford Academy Preparatory School” request for the conversion to easement a portion of Redford Avenue, 66 feet wide, the north – south public alley, 12.00 feet wide, and dedicate land for an easement for a three point turn around between Rockdale Avenue, 43 feet wide, and West McNichols Road, 120 feet wide, to create an academic campus for the two Old Redford Academy Preparatory Schools.

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 Old Redford Academy has on file with the City Engineering Division – DPW letters of support for the closure of Redford Avenue from all of the property owners on Redford Avenue that are impacted by this closure.

All City Departments and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached 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, That your Honorable Body authorized the acceptance of the following described easement over property owned by The Old Redford Academy Preparatory School, subject to the approval of the Traffic Engineering Division – DPW, City Engineering Division – DPW and any other public or privately owned utility company, if necessary;

Land in the City of Detroit, Wayne County, Michigan being on the Southside of Redford Avenue, 66 feet wide, between Rockdale Avenue, 43 feet wide, and West McNichols Road, 120 feet wide being a 20.00 feet by 40.00 feet portion of land; being more described as the East 18.00 feet by 40.00 feet of the unplatted land in the Southeast ¼ Section 9 abutting the 12.00 feet wide public alley in “Allen M. Bosworth’s Subdivision” on the Southeast Corner of Section 9, in Redford (now City of Detroit) T.1S.,R.10.E, Wayne County Michigan as recorded in Liber 22, Page 32, Plats, Wayne County Records and the north portion of the public alley, 12.00 feet by 40.00 feet, (to be vacated under this resolution) all in the “Allen M. Bosworth’s Subdivision” on the Southeast Corner of Section 9, in Redford (now City of Detroit) T.1S.,R.10.E, Wayne County Michigan as recorded in Liber 22, Page 32, Plats, Wayne County Records;

PROVIDED, That Old Redford Academy Preparatory School and their assigned heirs build and/or construct the three points turn around before the closure of Redford Avenue to City Engineering Division – DPW and/or Traffic Engineering’s standards and specifications; and be it further

PROVIDED, that the necessary permits shall be obtained from the City Engineering Division – DPW and the Traffic Engineering Division – DPW. The three point turn around shall be constructed and maintained under their rules and regulations; and be it further

PROVIDED, that construction under this petition is subject to inspection and approval by City Engineering Division – DPW forces. The cost of such inspection shall, at the discretion of City Engineering Division – DPW, be borne by the petitioner; and be it further

RESOLVED, All that part of Redford Avenue, 66 feet wide, between Rockdale Avenue, 43 feet wide, and West McNichols Road, 120 feet wide, lying Southerly and abutting the South line of unplatted Land in the Southeast ¼ Section 9 and lying Northerly of and abutting the North line of Lots 30 through 37, both inclusive, all in the “Allen M. Bosworth’s Subdivision” on the Southeast Corner of Section 9, in Redford (now City of Detroit) T.1S.,R.10.E, Wayne County Michigan as recorded in Liber 22, Page 32, Plats, Wayne County Records;

Also, all that part of the North – South public alley, 16.00 feet wide, between Rockdale Avenue, 43 feet wide, and West McNichols Road, 120 feet wide, lying Easterly and abutting the East line of unplatted Land being 93.72 feet long in the Southeast ¼ Section 9 and lying Westerly of and abutting the West line of Lot 38, being 87.37 feet long all in the “Allen M. Bosworth’s Subdivision” on the Southeast Corner of Section 9, in Redford (now City of Detroit) T.1S.,R.10.E, Wayne County Michigan as recorded in Liber 22, Page 32, Plats, Wayne County Records;

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

PROVIDED, that no structure can be built over PLD installations. As per PLD requirement, any structure propose to be built shall maintain a minimum of 10 feet horizontal clearance for the overhead PLD lines and installations the contractor will be liable for any damages to any PLD underground facilities; and be it further

Provided, that an easement of 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 easements 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 easements 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, said easements or rights-of-way in and over said vacated street and alley(s) herein above described shall be forever accessible to the maintenance and inspection forces of the DWSD, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer or water main or any facility placed or installed in the DWSD easements or rights-of-way. The DWSD 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 easements with any necessary equipment to perform the above mentioned task, with the understanding that DWSD shall use due care in such crossing or use, and that any property damaged by DWSD, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition; 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 fences, 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 street and alley 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

First, said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public street and 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 easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated street and 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 easements or rights-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 street and alley shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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

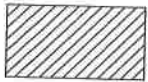
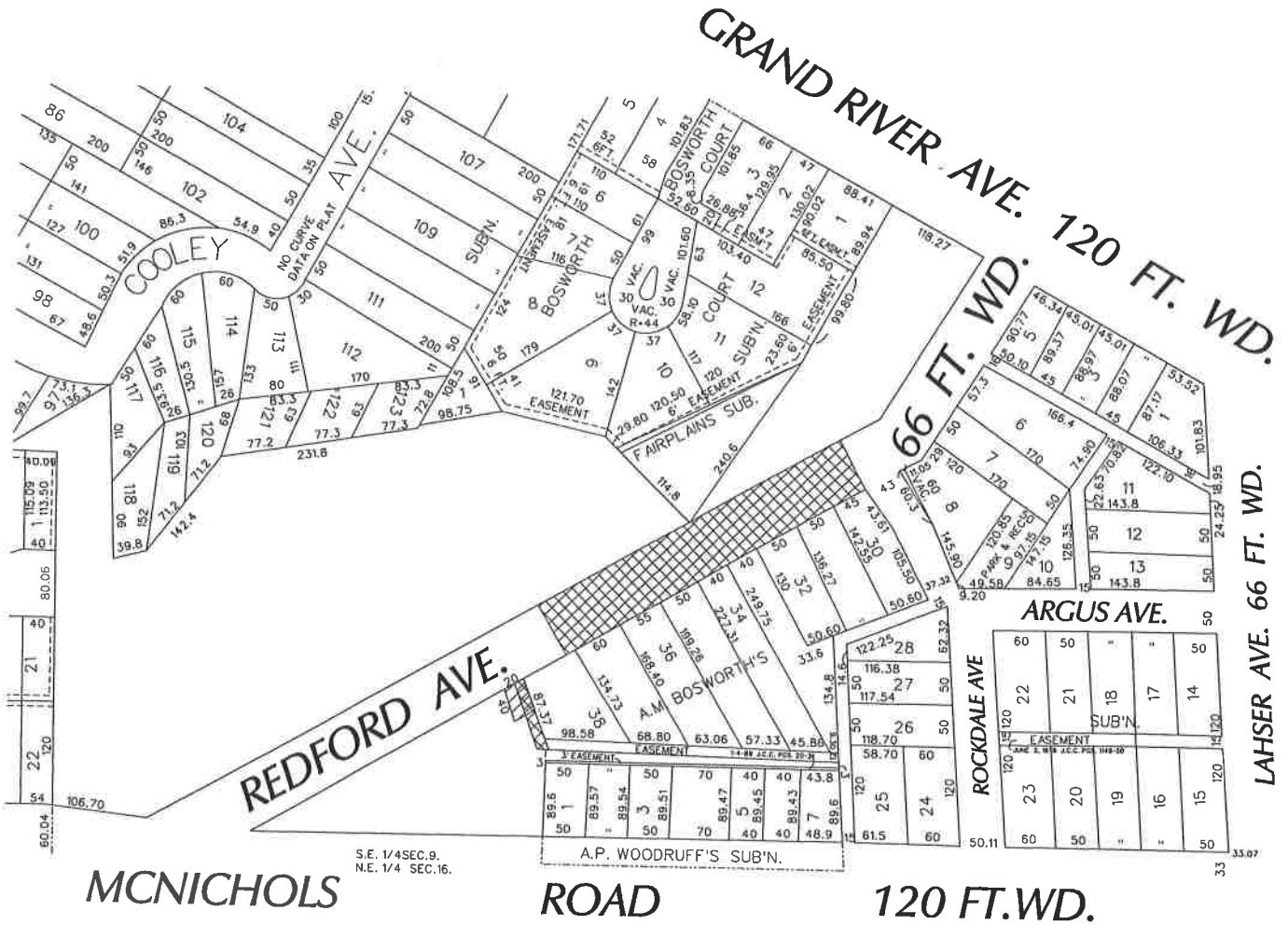
PROVIDED, That if it becomes necessary to remove the paved alley return at the entrances (into Redford Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the 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.

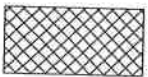
PETITION NO. 809
 OLD REDFORD ACADEMY
 17226 REDFORD STREET
 DETROIT, MICHIGAN 48219
 C/O SYLVIA SHELBY BRADLY
 B.V.S. LLC
 PHONE NO. 313 961 7884
 FAX NO. 313 961 4631



REVISED!!!!



- DEDICATION OF EASEMENT
 (FOR VEHICULAR TURN-A-ROUND)
 (PROPOSED VACATED ALLEY TO BE INCLUDED IN TURNAROUND)



- AREA OF EASEMENT

(FOR OFFICE USE ONLY)

CARTO 122 F

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KSM				
DATE	4-4-11				

**REQUEST TO CONVERT TO EASEMENT
 A PORTION OF REDFORD AVE AND THE
 NORTH-SOUTH ALLEY BTWN
 McNICHOLS AND ROCKDALE; ALSO
 DEDICATION FOR A TURN-A-ROUND.**

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X809.dgn

EASEMENT FOR 3-POINT TURNAROUND

**PETITION #809 - PARTIAL STREET CLOSURE
OLD REDFORD ACADEMY
22122 W. McNICHOLS, DETROIT, MI**

The Old Redford Academy is granting an easement, on parcels which they have site control, to accommodate a 3-point turnaround to provide an outlet for vehicles that enter Redford Street from McNichols. The easement is granted on parcels west of the requested partial street closure on the south side of Redford Street.

By Clothilde R. Smith Charitable Foundation,
on behalf of Old Redford Academy

Karon D. Smith
Signature

Karon D. Smith
Name

Measurer
Title

11/8/11
Date