

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 PLANNING AND DEVELOPMENT DEPARTMENT
CITY PLANNING COMMISSION

815 *Tooles Clark, to vacate the existing Guilford Avenue (60 feet wide) right-of-way located between south line of Hampton; west line of vacated Woodhall; north line of alley running east/west, north of Warren and east line of Cadieux.*

815

December 16, 2010

The Honorable City Council
ATTN: Office of the City Clerk
200 Colman A. Young Municipal Center
Detroit, MI 48226

DETROIT
CITY CLERK
2011 JAN - 6 A 11: 37

RE: Finney-Crockett High School
Request for Vacation of Public Right-of-way

ATTN: Office of the City Clerk

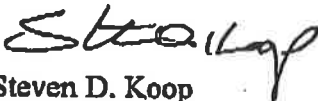
On behalf of the Detroit Public Schools we hereby requesting the City of Detroit vacate the existing Guilford Avenue (60 feet wide) right-of-way located between the following boundaries:

- The south line of South Hampton Avenue (60 feet wide);
- The west line of the previously vacated Woodhall Avenue (60 feet wide);
- The north line of the public alley running east/west, just north of Warren Avenue (105 feet wide);
- The east line of Cadieux Road (105 feet wide).

As existing utilities are located within this area, we understand that an easement will be retained. It is requested that this right-of-way be vacated as soon as possible.

We appreciate your assistance with processing this request. Please call Steve Koop of Tooles Contracting Group (313) 498-8896, if there you need any additional information.

Respectfully,



Steven D. Koop
Director - Design Build
Tooles Clark

Tooles Clark, LLC
500 Griswold - Suite 1620
Detroit, Michigan 48226
Phone: 313-221-8500 Fax: 313-221-8501



May 24, 2011

Honorable City Council:

RE: Petition No. 815 – Tooles Clark, to vacate the existing Guilford Avenue, 60 feet wide, right-of-way located between south line of Hampton; west line of vacated Woodhall; north line of alley running east/west, north of Warren and east line of Cadieux.

Petition No. 815 of “Tooles Clark LLC”, on behalf of the Detroit Public Schools request the conversion of Guilford Avenue, 60 feet wide, between Guilford Avenue, 60 feet wide, previously vacated on December 30, 1969 JCC Pgs. 3149-50 and the east – west public alley 16 feet wide, north of Warren Avenue, 105 feet wide, and that portion deeded for street purpose on December 30, 1969 JCC Pgs. 3149-50 into private easements for the utility companies. This request will facilitate the necessary land for the construction of a private drive for the New Finney-Crockett High School.

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 Guilford Avenue, 60 feet wide, between Guilford Avenue, 60 feet wide, previously vacated on December 30, 1969 JCC Pgs. 3149-50 and the east - west public alley 16 feet wide, north of Warren Avenue, 105 feet wide, lying Easterly of and abutting the East line of Lots 128 through 140, both inclusive, and vacated Frankfort Avenue, 60 feet wide, and lying Westerly of and abutting the West line of Lots 172 through 179, both inclusive, and vacated Frankfort Avenue, 60 feet wide, all in the "Grosse Pointe Highlands Subdivision of Part of Lots 1,2,3,4, and 5 of Front and Rear Concessions of P.C. 239" Gratiot and Grosse Pointe Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 36, Page 61, Plats, Wayne County Records;

Also, the west 75 feet of lots 167, 168, 169, 170 and the west 75 feet of the north 20 feet of Lot 171 (deeded to the City of Detroit on in the December 30, 1969 JCC Pgs. 3149-50) "Grosse Pointe Highlands Subdivision of Part of Lots 1,2,3,4, and 5 of Front and Rear Concessions of P.C. 239" Gratiot and Grosse Pointe Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 36, Page 61, Plats, 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 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 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 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 street entrance (into the remaining portion of Guilford 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.

RESOLVED, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following described parcel of land for the fair market value and/or other valuable consideration to the Detroit Public School Board of Education:

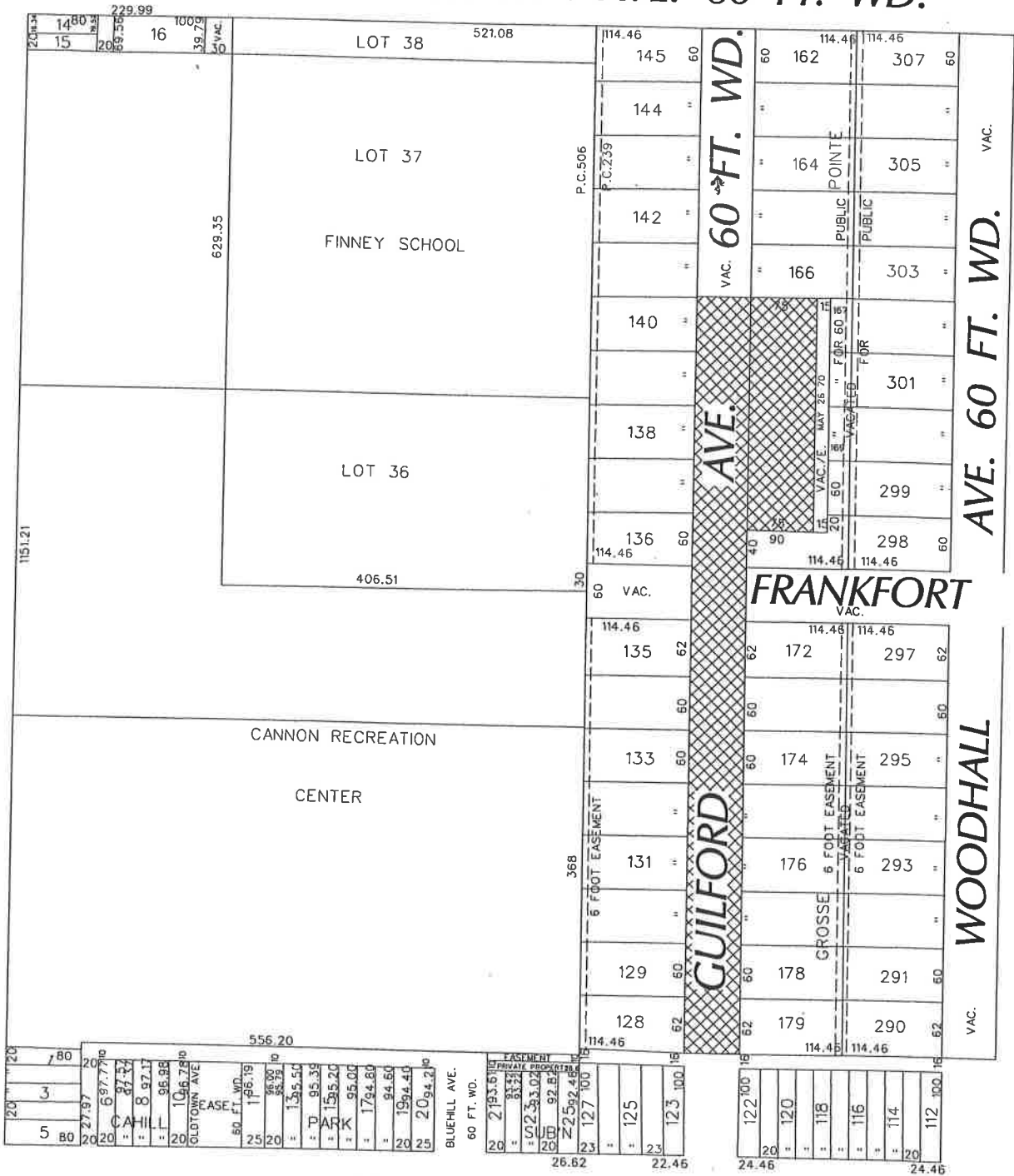
Land in the City of Detroit, Wayne County, Michigan being the west 75 feet of lots 167, 168, 169, 170 and the west 75 feet of the north 20 feet of Lot 171 (deeded to the City of Detroit on in the December 30, 1969 JCC Pgs. 3149-50) “Grosse Pointe Highlands Subdivision of Part of Lots 1,2,3,4, and 5 of Front and Rear Concessions of P.C. 239” Gratiot and Grosse Pointe Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 36, Page 61, Plats, Wayne County Records;

TOOLES CLARK
 500 GRISWOLD-SUITE 1620
 DETROIT, MICHIGAN 48226
 C/O STEVE KOOP
 PHONE NO. 313 498 8896
 FAX NO. 313 221 8501



SOUTHAMPTON AVE. 60 FT. WD.

CADIEUX 106 FT. WD.



WARREN AVE. 105 FT. WD.



- AREA OF EASEMENT

(FOR OFFICE USE ONLY)

CARTO 70 A

**REQUEST TO CONVERT TO EASEMENT
 GUILFORD**
 FROM THE NORTH LINE OF THE E/W ALLEY
 NORTH OF WARREN
 TO VACATION SOUTH OF WARREN
 (Lot 141 South Line)

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01.
 DRWG. NO. X815.dgn

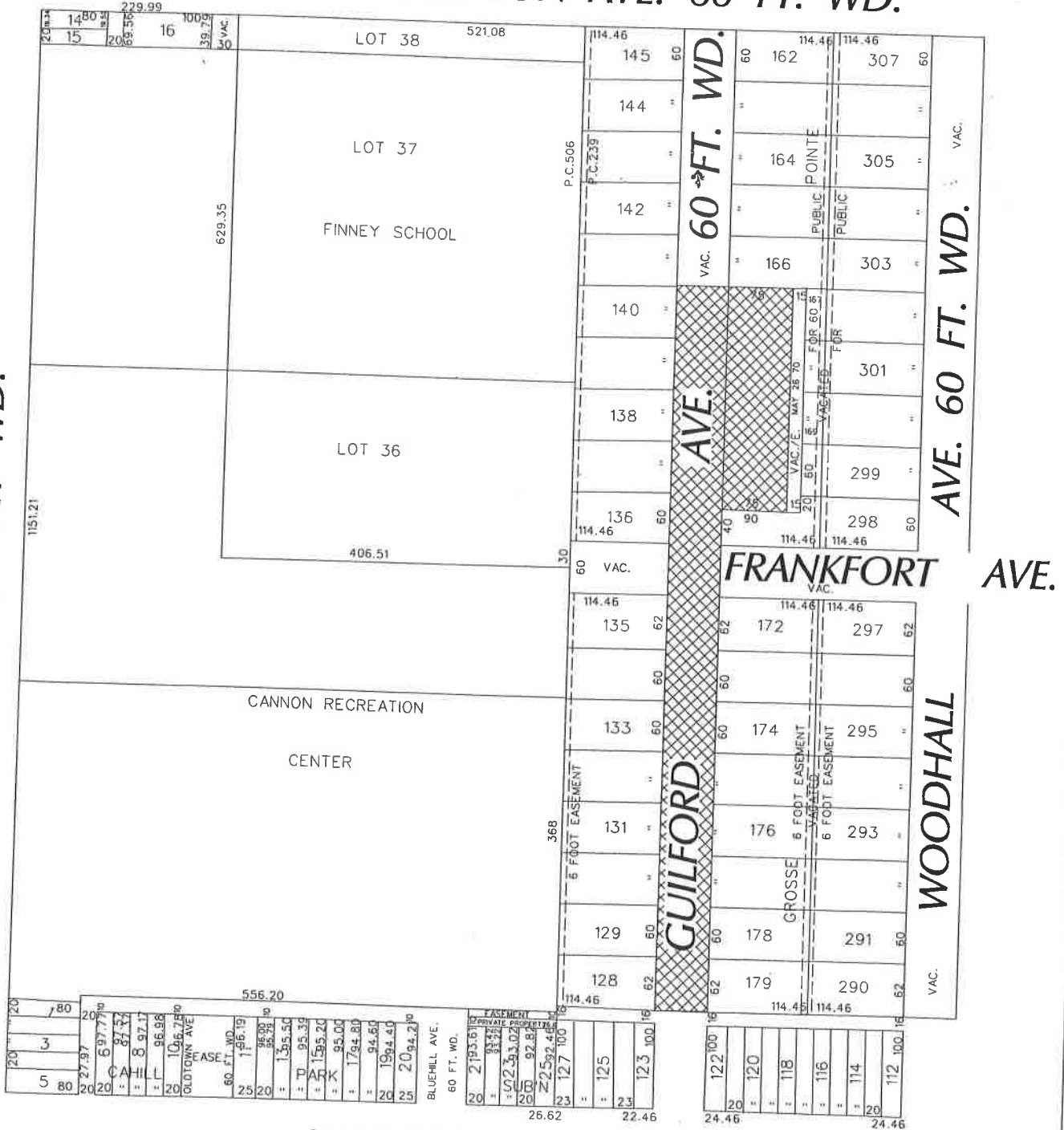
B					
A	AREA OF EASEMENT EXPANDED TO LOTS EAST OF GUILFORD	KSM	NP	01	5/23/11
REVISIONS					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
DRAWN BY	CHECKED				
DATE	APPROVED				
2-15-11					

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 500 GRISWOLD-SUITE 1620
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CARTO 70 A

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2-15-11	[Signatures]			

REQUEST TO CONVERT TO EASEMENT
GUILFORD
FROM THE NORTH LINE OF THE E/W ALLEY
NORTH OF WARREN
TO VACATION SOUTH OF WARREN
(Lot 141 South Line)

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X815.dgn