

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Tuesday, May 03, 2011*

*To: The Department or Commission Listed Below*

*From: Janice M. Winfrey, Detroit City Clerk*

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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:

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**DPW - CITY ENGINEERING DIVISION**

**961**     *Taktix Solutions, vacation of the north-south alley from northern curb line of Martin Luther King, Jr. Blvd. to the south line of lots 493 & 408 of public alley located between 18th St. to the west and 17th St. to the east.*



961

211 W. Fort Street, Suite 720  
Detroit, MI 48226

April 18, 2011

City of Detroit  
Honorable City Council  
C/o Office of the City Clerk  
200 Coleman A. Young Municipal Center  
Detroit, MI 48226

Re: Request to Vacate Alley

Dear Ms. Winfrey,

I am writing to request vacation subject to existing utility easements of the north-south alley from the northern curb line of Martin Luther King Jr. Blvd to the south line of lots 493 and 408 of the public alley located between 18<sup>th</sup> Street to the west and 17<sup>th</sup> Street to the east. The vacation will provide the ability University of Detroit Mercy to expand surface parking at its Corktown Campus.

A Survey will be provided to the City Engineer for purposes of analyzing the requirements for the right of way and any utility easements and to City Law Department for purposes of preparing a Deed to convey the property to University of Detroit Mercy. University of Detroit Mercy and Dexter Holdings LLC own all property abutting the alley.

On behalf of University of Detroit Mercy and Dexter Holdings, LLC the owners of the abutting properties I am available to assist you in any way including communication with the respective utility companies to promptly move forward with the above vacation.

Please forward all communication and material regarding this request to:

Taktix Solutions, LLC  
211 W. Fort Street, Suite 720  
Detroit, MI 48226

Should you have any questions or require further information please call Michelle Gilbert at 313 961-9446.

We look forward to working with you to bring new investment to the City of Detroit.

Thank you for your assistance.

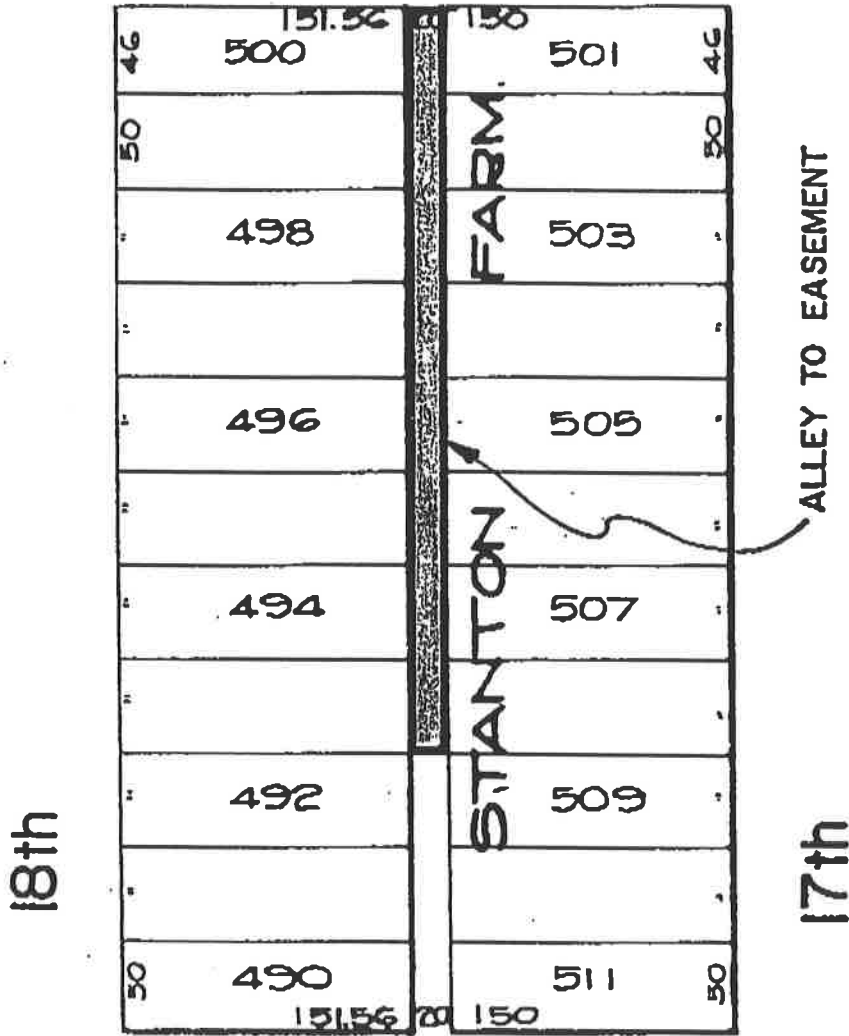
Very truly yours,

Michelle Gilbert

Cc: City Engineering - Noel Perry  
City Law Department

9 APR 11 11:46  
--CITY CLERK--

# MAGNOLIA



MARTIN LUTHER KING JR. BLVD.

PET. NO. 1493  
CARTO NO. 19-B

Care Corporation Conversion to easement of portion of the north-south public alley in the block bounded by 18th, 17th, Martin Luther King Jr. and Magnolia.

Petition No. 1493 of Michigan Health Care Corporation requests the conversion of a portion of north-south public alley, 20 feet wide, in the block bounded by Eighteenth and Seventeenth Streets, Martin Luther King Jr. Boulevard and Magnolia Street into an easement for public utilities.

The requested conversion into a public utility easement was approved by the Community and Economic Development Department. The petition was referred

to the City Engineering Department for investigation and report. This is our report.

The petitioner plans to remove the paved alley return entrance (into Magnolia). Such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications. The petitioner shall pay all incidental alley return removal costs.

City department and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Kelley:

Resolved; That all that part of the north-south public alley, 20 feet wide, in the block bounded by Eighteenth and Seventeenth Streets, Martin Luther King Jr. Boulevard and Magnolia Street lying easterly of and abutting the east line of Lots 493 to 500; also lying westerly of and abutting the west line of Lots 501 to 508 of the "Subdivision of part of the Stanton Farm, Private Claim 473 and Rear Concession", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 255, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement 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 an 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 tasks, 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 (except necessary line fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the City Engineering Department.

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

Provided, that if it becomes necessary to remove the paved alley return at the entrance, such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, their heirs or assigns; and

Provided Further, that a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Kelley, Mahaffey, Peoples, Ravitz, and President Pro Tem. Hood — 7.

Nays — None.

JAN. 20, 1988  
J.C.C. PGS. 123-24



September 9, 2011

Honorable City Council:

RE: Petition No. 961 – Taktix Solutions, request vacation of the north – south alley from the northern curb line of Martin Luther King Jr. Blvd. to the south line of lots 493 & 508 of public alley located between 18<sup>th</sup> Street to the west and 17<sup>th</sup> Street to the east.

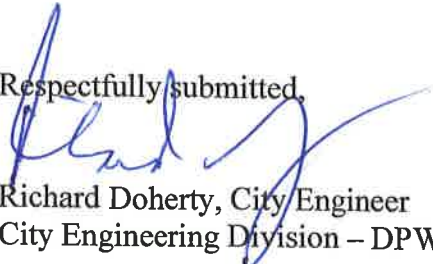
Petition No. 961 of “Taktix Solutions”, request the conversion of the remaining portion of the north – south open public alley, 20 feet wide, in the block bounded by Magnolia Street, 50 feet wide, Martin Luther King Jr. Boulevard, 50 feet wide, 18<sup>th</sup> Street, 60 feet wide, and 17<sup>th</sup> Street, 60 feet wide into a private easement for the public and private utility companies. This closure will assist in the expansion of the University of Detroit Mercy’s surface parking lot.

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.

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

RESOLVED, All that part of the North – South public alley, 20 feet wide, in the block bounded by Magnolia Street, 50 feet wide, Martin Luther King Jr. Boulevard, 50 feet wide, 18<sup>th</sup> Street, 60 feet wide, and 17<sup>th</sup> Street, 60 feet wide lying Easterly of and abutting the East line of Lots 492 through 490, both inclusive, and lying Westerly of and abutting the West line of Lots 509 through 511, both inclusive, all in the “Subdivision of Part of the Stanton Farm P.C. 473 & rear concession” December 14, 1869 as recorded in Liber 1, Page 255, Plats, Wayne County Records;

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:

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, 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, said easements or rights-of-way in and over said vacated 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 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

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 if it becomes necessary to remove the paved alley return at the entrances (into Martin Luther King Jr. Boulevard), 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.



IAKTIK SOLUTIONS, LLC  
 211 W. FORT STREET, SUITE 720  
 DETROIT, MICHIGAN 48226  
 C/O MICHELLE GILBERT  
 PHONE NO. 313 961 9446



**MAGNOLIA ST. 50 FT. WD.**

**18 TH. ST. 60 FT. WD.**

46	500	151.56	20	150	501	46
50			EASEMENT 1-20-88 J.C.C. PGS. 123-24		FARM	50
"	498				503	"
"						"
"	496				505	"
"						"
"	494				507	"
"						"
"	492				509	"
"						"
50	490	151.56		20	150	511

**17 TH. ST. 60 FT. WD.**

**MARTIN LUTHER KING, JR. BLVD. 50 FT. WD.**



- CONVERT TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 19 B

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KSM				
CHECKED					
DATE	6-7-11				
APPROVED					

**REQUEST TO CONVERT TO EASEMENT  
 THE 20 FOOT WIDE N/S ALLEY  
 FROM THE NORTH CURB LINE OF  
 MARTIN LUTHER KING, JR. BLVD.  
 TO THE SOUTH LINE OF LOTS 493 AND 508  
 BETWEEN 18 TH. ST. AND 17TH. ST.**

**CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU**

JOB NO. 01-01  
 DRWG. NO. X961.dgn