

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, September 19, 2012

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
WATER & SEWERAGE DEPARTMENT PUBLIC LIGHTING DEPARTMENT

2563 *Southwest Housing Solutions, requesting an outright alley vacation to vacation with easement in the area of Lozier, Mack, Manistique and Ashland Streets; with the east-west alley being an alley vacation with easement. (Related to Petition #3507)*



Southwest Housing Solutions

#2563

September 14, 2012

BY HAND DELIVERY

Honorable City Council
C/o City Clerk
200 Coleman A. Young Municipal Center
2 Woodward Avenue
Detroit, Michigan 48226

14 SEP 12 12:32

--CITY CLERK--

Re: Amendment Letter
Petition No. 3507
Amendment of Outright Alley Vacation to Vacation with Easement

Dear Honorable City Council:

Please accept this letter to amend Petition No. 3507 which was recorded in a City of Detroit Resolution dated August 19, 2008, Liber 47420 page 1299-1300, and attached hereto. Petition No. 3507 pertains to an outright alley vacation for an east-west alley that is located north and parallel to Mack Avenue. We would like respectfully request that this petition be amended so that the east-west alley is an alley vacation with easement. Mr. Gang Song of the Detroit Water and Sewer Department has recommended this amendment to our organization for the development of our Mack-Ashland LDHA LP development.

We greatly appreciate your assistance. Please contact us should you need further information at 313-297-1343 or 248-914-5223.

Very truly yours,

Janay Mallett
Real Estate Development Specialist

cc: Mr. Noel Perry, City of Detroit Engineering Department
Mr. Gang Song, City of Detroit Water & Sewerage Department
Mr. Steve Pariseau, Shelter Design Studios
Mr. Timothy Thorland, Executive Director, Southwest Housing Solutions



Housing Main Office: 1920 25th Street Suite A • Detroit, MI 48216-1435 • 313.841.3727 main • 313. 841.3734 fax
Housing Opportunity Center: 1920 25th Street Suite B • Detroit, MI 48216-1435 • 313.841-9641 main • 313.841-9647 fax
Se habla Español • www.swsol.org



Equal Opportunity Housing



Equal Opportunity Employer



April 4, 2013

Honorable City Council:

RE: Petition No. 2563 – Southwest Housing Solution, requesting for an outright vacation of the east - west alley to a conversion to easement for utilities in the area of Lozier, Mack, Manistique and Ashland streets.

Petition No. 2563 of “Southwest Housing Solutions” request for the east – west outright vacated 18 feet wide alley (approved on January 31, 2007) in the block bounded by Lozier Avenue, 60 feet wide, Mack Avenue, 120 feet wide, Manistique Avenue, 60 feet wide, and Ashland Avenue, 60 feet wide, into a private easement for utilities. The petitioner and/or property owner need for this alley to remain a public easement for utilities to properly maintain access for the public and private utility companies.

On January 31, 2007 City Council approved a petition to outright vacate the east –west public alley, during the construction/renovations to the building the petitioner and/or property owner did not need to relocate the utilities within the approved outright vacated area. In order for the utilities to recognize this area as an easement it was proper to amend the outright vacation to a conversion to easement. The attached resolution will provide the proper corrections for the utilities to remain in service and have access for the said east – west alley.

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,

A handwritten signature in black ink, appearing to read "Richard Doherty", with a long, sweeping horizontal line 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 East – West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lots 11 through 20, both inclusive, and lying Southerly of and abutting the South line of Lots 218 and 408 all in the “Edwin Lodge Subdivision” of part of P.C. 120 North of Mack Avenue Township of Gratiot and Grosse Pointe (now City of Detroit), Wayne County, Michigan as recorded in Liber 35 Page 10, Plats, Wayne County Records;

Be and the same 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 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, including 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 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 Manistique and Ashland Avenues), 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.

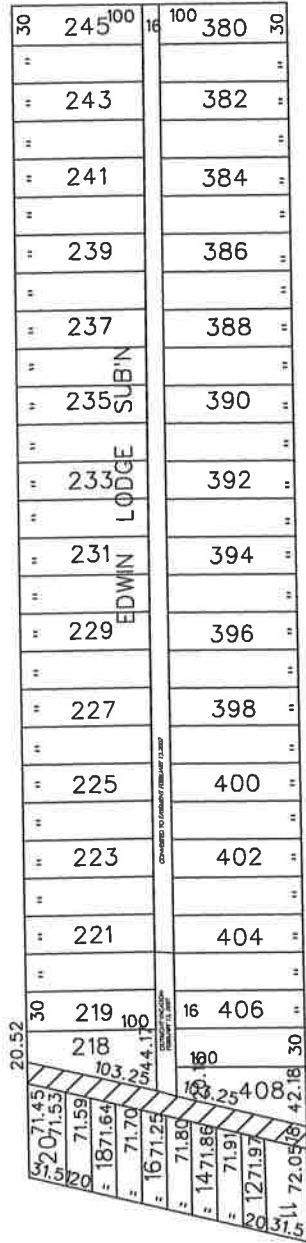
PETITION NO. 2563
 SOUTHWEST HOUSING SOLUTIONS
 1920 TWENTYFIFTH STREET, SUITE A
 DETROIT, MICHIGAN 48216-1435
 PHONE NO. 313 841 3727
 FAX NO. 313 841 3734



LOZIER AVE. 60 FT.WD.

MANISTIQUE 60 FT.WD.

ASHLAND 60 FT.WD.



MACK 120 FT.WD.



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 63 A

B						REQUESTED CONVERSION TO EASEMENT THE EAST-WEST 18 FT. WD. ALLEY IN THE AREA BOUND BY MACK, LOZIER, MANISTIQUE AND ASHLAND	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A					JOB NO. 01-01			
DESCRIPTION		DRWN	CHKD	APPD	DATE			DRWG. NO. x2563.dgn
REVISIONS								
DRAWN BY KSM		CHECKED						
DATE 02/05/13		APPROVED						