

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, May 08, 2013

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

2813 *Summit Medical Center, request to close off the easternly portion of the east-west public alley in the block bounded by Prevost, Forrer, Grove, and W. McNichols. Related to petition 3403*



SUMMIT MEDICAL CENTER
15801 WEST McNICHOLS RD.
DETROIT, MI 48235

May 2, 2013

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

Re: Petition No. 3403 / Renewal Request

Dear Councilmen / Councilwomen:

Please accept this letter as Summit Medical Center's written request to renew petition #3403 for the maximum allowed period of time. The petition request is related to our building located at 15801 W. McNichols, Detroit, MI and is to provide the closing of the easterly portion of the east-west public alley in the block bounded by Prevost, Forrer, Grove, and W. McNichols. We respectfully request the immediate renewal of this petition which will prevent non-business traffic from accessing the medical facility and more importantly, add to the safety of our office staff and clientele.

Thank you for your consideration in this manner. I look forward to hearing from you.

Yours truly,

Anise L. Burrell
Administrator
Summit Medical Center

(attachment)

Department of Public Works
City Engineering Division
July 24, 1995

Honorable City Council:

Re: Petition No. 3403, Summit Medical Center at 15801 W. McNichols, Temporary Alley Closing easterly half of the east-west public alley in the block bounded by Prevost, Forrer, Grove and W. McNichols

Petition No. 3403 of the "Summit Medical Center at 15801 W. McNichols, et al." requests the temporary closing of the easterly portion of the east-west public alley, 20 feet wide, in the block bounded by Prevost, Forrer and Grove Avenues, and W. McNichols Road.

The request was approved by the Traffic Engineering Division - DPW and the Planning and Development Department with certain restrictions.

The Ameritech/Michigan Bell Telephone Company, Detroit Edison Company, Public Lighting Department, and the Water and Sewerage Department (all) will require unimpeded access to service their existing facilities. Any fence and gate installation must provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles.

All other city departments and privately owned utility companies have reported no objections to the closing, provided they have the right to ingress and egress at all times to their facilities.

There is an appropriate resolution, containing the necessary conditions, attached for consideration by your Honorable Body.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineering Division - DPW

By Council Member Tinsley-Williams:

RESOLVED, The City Engineering Division - DPW is hereby authorized and directed to issue permits to the owner(s) of "Summit Medical Center at 15801 W. McNichols, Detroit, Michigan" to close an eastern portion of the east-west public alley, 20 feet wide, in the block bounded by Prevost, Forrer, and Grove Avenues, and W. McNichols Road lying southerly of and abutting the south line of the eastern 1.00 foot of Lot 37, and Lots 38 thru 44; also lying northerly of and abutting the north line of Lot 45 of "Maplehurst Subdivision of North Half of Northeast Quarter of the Northeast Quarter, Section 13, Town 1 South, Range 10 East, Radford Township" City of Detroit, Wayne

County, Michigan as recorded in Liber 47, Page 97, Plats, Wayne County Records; on a temporary basis to expire on September 1, 2000;

PROVIDED, The petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing; and

PROVIDED, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and

PROVIDED, The property owned by the petitioner and adjoining the temporary public alley closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the alley; and

PROVIDED, No building or other structure (except necessary line fence), shall be constructed on or over the alley. The petitioner shall observe the rules and regulations of the City Engineering Division - DPW. The City of Detroit retains all rights and interests in the temporarily closed public alley. The city and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the city and utility companies; and

PROVIDED, All of the petitioner's public property fence and gate installation(s) shall be subject to the review and approval of the City Engineering Division - DPW (if necessary, in conjunction with the Traffic Engineering Division - DPW and the Planning and Development Department); and

PROVIDED, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

PROVIDED, This resolution does not permit the storage of materials, display of merchandise, or advertising signs within the temporarily closed public alley. Further, the placement of materials, merchandise, or advertising signs on any adjacent berm area is prohibited. It is the intent of this provision to prohibit private advertising within public rights-of-way, but not signs conforming to the current Michigan Manual of Uniform Traffic Control Devices; and

PROVIDED, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division - DPW by the petitioner at the petitioner's expense; and

PROVIDED, This resolution is revocable at the will, whim or caprice of the City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

PROVIDED, This permit shall not be assigned or transferred without the written approval of the City Council; 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.

Adopted as follows:

Yeas — Council Members Cleveland, Cockral, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

CITY COUNCIL PETITION REQUEST INSTRUCTIONS

**PLEASE SUBMIT PETITION REQUESTS IN LETTER FORM.
DO NOT SUBMIT THIS INSTRUCTION SHEET AS YOUR PETITION.**

Requests should answer the following five questions: *Renewal*

1. Who
2. What
3. Where
4. When
5. Why

IF YOU WANT AN ACTUAL HEARING BEFORE CITY COUNCIL, BE SURE TO SPECIFY THAT IN YOUR REQUEST.

Petitioner must provide name, address and phone number.

Address your request to:
Summit Medical Center
15801 W. McNichols
Detroit, Michigan 48235
313-272-8450
Anise L. Burrell

THE HONORABLE CITY COUNCIL
ATTN: OFFICE OF THE CITY CLERK
200 COLEMAN A. YOUNG MUNICIPAL CENTER
DETROIT, MI 48226

Requests can be forwarded to the City Clerk's Office either in person, by mail or faxed to 313/224-2075.

In approximately two to three weeks after you submit your request you will be mailed a petition card (like the one below) containing a number that you will use as a reference for your petition.


CITY OF DETROIT

OFFICE OF THE CITY CLERK

It is a pleasure to acknowledge your recent communication. We have forwarded it to the City Council for their consideration. For reference, please refer to

Petition No. _____

JANICE M. WINFREY
City Clerk



Assumed
2753941
15801

Summit Women's Center
15801 W. Mc Nichols
Detroit, Michigan 48235
313 272-8450
Fax: 313 272-8455

Fax

To: City Council From: Summit Women's Center
Fax: 224-2075 Pages: 3
Phone: _____ Date: 5/2/13
Re: _____ CC: _____

Urgent For Review Please Comment Please Reply Please Recycle

The information contained in this facsimile message is privileged and confidential information intended only for the sole use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service. Thank You



September 3, 2014

Honorable City Council:

RE: Petition No. 2813, Summit Medical Center, request to close off the easterly portion of the east-west public alley in the block bounded by Prevost, Forrer, Grove and W. McNichols. Related to petition 3403.

Petition No. 2813, Summit Medical Center, request conversion of the East part of the East-West public alley, 20 feet wide, in the block bounded by Prevost Avenue, 60 feet wide, Forrer Avenue, 60 feet wide, Grove Avenue, 60 feet wide and McNichols Road, 103 feet wide, into a private easement for utilities

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request will enable Summit Medical Center to consolidate their properties and provide a secure parking area for their facilities.

All City Departments and privately owned utility companies have reported no objections to the conversion of the public right-of-way into a private easement for public utilities. The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW.

Provisions protecting utility installations are part of the attached resolution. Detroit Water and Sewerage Department (DWSD) has no objection to the conversion to easement. The specific DWSD provisions for easements are included in the resolution. Public Lighting Department (PLD) has no objection to the conversion to easement. The specific PLD provisions for easements are included in the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,


Richard Doherty, P. E., City Engineer
City Engineering Division – DPW

JK/KM

Cc: Ron Brundidge, Director, and DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBERS

RESOLVED, all that East part of the East-West public alley, 20 feet wide, lying North of and adjoining the North line of Lot 45, also lying South of and adjoining the South line of Lots 38 thru 44, both inclusive "Maplehurst Subdivision of the N. ½ of the N.E. ¼ of N.E. ¼ of Section 13, T.1S,R.10E. Redford Township (Now Detroit), Wayne County, Michigan" as recorded in Liber 47, Page 97 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:

First, said owners hereby grant to and for the use of the public easement or right-of-way over said vacated 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

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 the Public Lighting Department requires that no structures or barricades be built over PLD installations or on existing utility easement areas. As per PLD requirements, any structure proposed to be built shall maintain 10 feet horizontal clearance from the overhead PLD lines and installations also any structure proposed to be built shall maintain a minimum of 3 feet horizontal clearance and 12 inch vertical clearance from the PLD conduit bank and manholes. The contractor should take necessary precautions not to damage PLD utilities, if they plan to use heavy earth moving equipment. The contractor will be liable for any damages to any PLD underground facilities. PLD requires unrestricted easement rights with 24-hour heavy vehicle access in order to maintain their facilities; 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 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 alley return at the entrance (into Forrer 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.

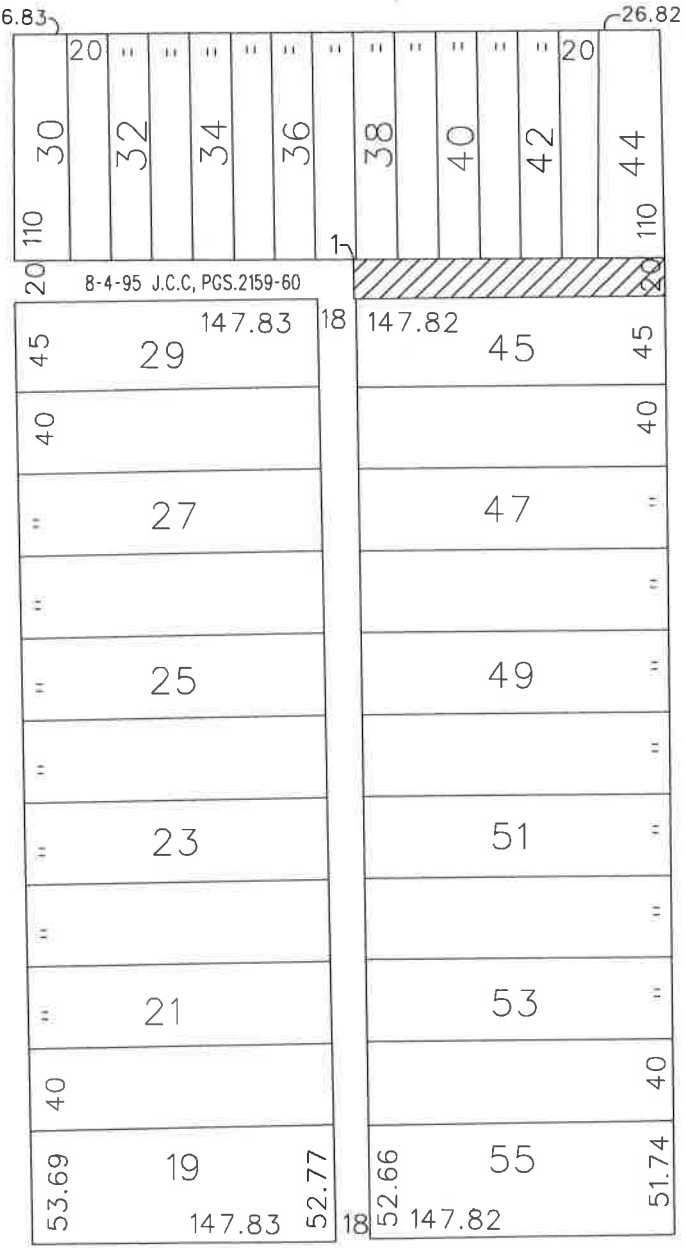
PETITION NO. 2813
 SUMMIT MEDICAL CENTER
 15801 MCNICHOLS W. RD.
 DETROIT, MICHIGAN 48235
 C/O ANISE L. BURRELL
 PHONE NO. 313 272-8450



MCNICHOLS W. RD. 103 FT. WD.

PREVOST AVE. 60 FT. WD.

FORRER AVE. 60 FT. WD.



GROVE AVE. 60 FT. WD.



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 103 A

B					<p>REQUEST TO CONVERT TO EASEMENT THE EAST PORTION OF THE EAST/WEST PUBLIC ALLEY, 20 FT. WD. IN THE BLOCK BOUND BY FORRER, GROVE, PREVOST AVE. AND MCNICHOLS W. RD.</p>	<p>CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU</p>
	A					
DESCRIPTION		DRWN	CHKD	APPD	DATE	<p>DRWG. NO. X 2813</p>
REVISIONS						
DRAWN BY		CHECKED				
WLW						
DATE		APPROVED				
05-06-14						

