

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Friday, July 19, 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
CITY PLANNING COMMISSION

2895 *GNT Holdings, request to unvacate unauthorized vacated alley referenced by Petition No. 661 by New Cadillac Square Apartments Inc., located at 111 Cadillac Square, Suite 200 and whereas the alley was officially closed July 26, 2011.*

2895

GNT HOLDINGS LLC
139 CADILLAC SQUARE
DETROIT, MI 48226
313-962-9333 thecadillacgroup@aol.com

July 15, 2013

Detroit City Council
c/o/ the City Clerk
2 Woodward Avenue, Room 200
Detroit, Mi. 48226

PETITION TO UNVACATE UNAUTHORIZED VACATED ALLEY

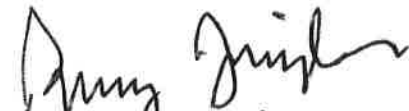
GNT Holdings, LLC is objecting to the unauthorized vacation of the 20' alley per Petition No. 661 by New Cadillac Square Apartments Inc., located at 111 Cadillac Square, Suite 300, Detroit, Mi 48226 and whereas the alley was officially closed July 26, 2011. GNT Holdings, LLC is the east end property holder of the unauthorized vacated alley at 139 Cadillac Square and owns the 40' of 37 Plat of Sec 6 Governor and Judged Plan (Deeds.)

The Vacated alley approval and easement was done without the written consent of GNT Holdings, LLC and therefore was done illegally per the 3rd paragraph of the petition which requires "Said owners hereby grant to.....etc. We never agreed or signed any approval for this petition and it was unilaterally applied for without our consent whatsoever.

At this time we are requesting to have the unauthorized vacation per Petition No. 661 reversed and reverted to an alley as it was before the petition was approved without GNT Holdings consent.

Respectfully,

GNT Holdings, LLC


Gary Tringale, Member

2013 JUL 17 A 11:01
DETROIT
CITY CLERK

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 provided, That if it becomes necessary to remove the paved alley return at the entrances (into Bates and Randolph 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.

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 alley shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such

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.

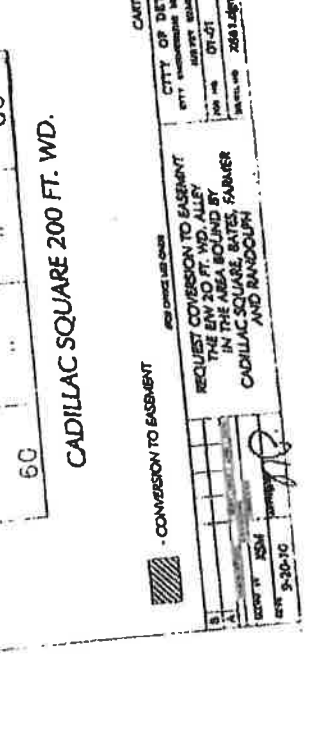
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 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

requestion submitted,
 RICHARD DOHERTY
 City Engineer
 City Engineering Division — DPW

By Council Member Jones:
 Resolved, All that part of the East-West public alley, 20 feet wide, in the block bounded by Farmer Avenue, 56 feet wide, Cadillac Square Boulevard, 200 feet wide, Randolph Avenue, 88 feet wide, and Bates Avenue, 80 feet wide lying North of and abutting the North line of Lots 37 through 40, both inclusive, and Lots 77 through 74, both inclusive, lying South of and abutting the South line of Lots 77 through 74, both inclusive, and except that part taken for the opening/widening of Randolph Avenue all in the plan of Section Number Six in the City of Detroit Territory of Michigan confirmed unannounced by the Governor and Judges on the 27th Day of April, 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board as recorded in Liber 34, Page 545, Deeds, 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 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, telephons, 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.



CONVERSION TO EASEMENT

REQUEST CONVERSION TO EASEMENT
 THE 510 1/2 FT. WD. ALLEY
 IN THE AREA BOUND BY
 CADILLAC SQUARE, BATES, FARMER
 AND RANDOLPH

APPROVED AND ATTESTED:
 SECRETARY OF THE BOARD

RECORDED IN
 LIBER 34, PAGE 545

DATE
 9-30-10

CITY OF DETROIT
 CITY ENGINEER
 RICHARD DOHERTY

DATE
 07-21

FILE NO.
 2011-1847

APPROVED AND ATTESTED:
 SECRETARY OF THE BOARD



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

65 CADILLAC SQUARE, SUITE 900
DETROIT, MICHIGAN 48226
PHONE 313-224-3949
FAX 313-224-3471
WWW.DETROITMI.GOV

October 24, 2013

Honorable City Council:

RE: Petition No. 2895, GNT Holdings, request to unvacate unauthorized vacated alley referenced by Petition No. 661 by New Cadillac Square Apartments Inc., located at 111 Cadillac Square, Suite 200 and whereas the alley was officially closed July 26, 2011.

Petition No. 2895 of "GNT Holdings" whose address is 139 Cadillac Square, Detroit, Michigan 48226, request to re-open the East - West public alley, 20 feet wide, in the block bounded by Bates Street, 60 feet wide, Randolph Street, 86 feet wide, Farmer Street, 56 feet wide and Cadillac Square 200 feet wide.

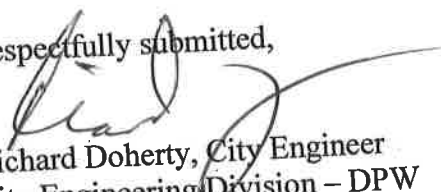
The petition was referred to the City Engineering Division - DPW for investigation (utility review) and report. This is our report.

The petitioner's request was reviewed by City Engineering Division - DPW. The subject alley was vacated and converted to easement by resolution of City Council on July 26, 2011. The Petition No. 661 was a request by New Cadillac Square Apartments Incorporated. The reason for the request was to improve security for the apartment residents including installation of a new fence around the adjacent parking lots.

City Engineering - DPW requested an opinion on this Petition No. 2895 from the Law Department. Accordingly we report that there is no proper procedure for City Council to negate its 2011 resolution absent a Courts determination of a legally fatal error. A properly vacated alley would require a new dedication to be re-opened. GNT has access to the rear of its building by way of the 40 feet of vacated alley.

Whereas the Law Department recommends that the petition be denied, City Engineering Division - DPW recommends **DENIAL** of this petition request.

Respectfully submitted,


Richard Doherty, City Engineer
City Engineering Division - DPW

JMK/

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