

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Robin R. Underwood, CMC
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, August 28, 2014

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

380 *Griffels Webster, request to vacate (outright) all the remaining public alleys in the block bounded by Park, Woodward, Temple and Charlotte.*



August 22, 2014

HAND DELIVER

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

RE: Giffels Webster - Request to vacate (outright) all of the remaining public alleys in the block bounded by Park, Woodward, Temple and Charlotte.

Giffels Webster, 28 W. Adams, Suite 1200, Detroit, Michigan 48226 respectfully request to vacate (outright) all of the remaining public alleys in the block bounded by Park Avenue (60 feet wide), Woodward Avenue (120 feet wide), Temple Avenue (60 feet wide) and Charlotte Avenue (60 feet wide).

The requested vacation is a critical part of the re-development of the area.

If you should have any questions, please do not hesitate to contact me at (P) 313.962.4442 (M) 313.303.7677 (F) 313.962.5068 or jfoster@giffelswebster.com.

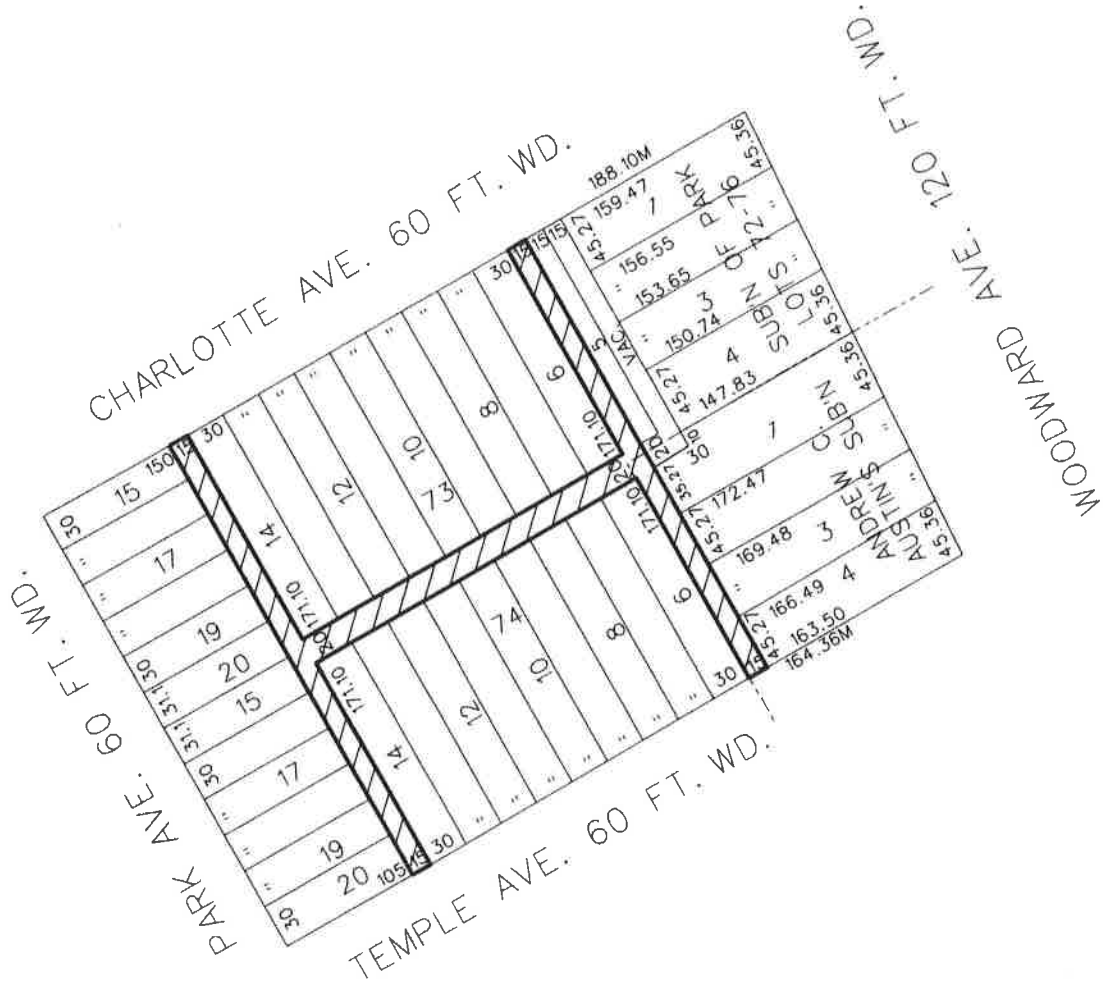
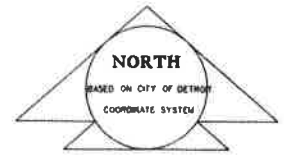
Respectfully,

James Foster, Project Manager
Giffels Webster

Cc: Michael Marks, Giffels Webster
attachment

CITY CLERK 22 AUG 2014 PM 1:53

PETITION
 GIFFELS WEBSTER
 28 W. ADAMS SUITE 1200
 DETROIT, MICH. 48226
 PHONE: 313-962-4442



REQUESTED OUIRIGHT VACATION

CARTOGRAPHIC MAP NO. 29-B

(FOR OFFICE USE ONLY)

REQUEST TO OUIRIGHT VACATE ALL OF THE PUBLIC ALLEYS IN THE BLOCK BOUNDED BY PARK AVE., WOODWARD AVE., TEMPLE AVE. AND CHARLOTTE AVE.

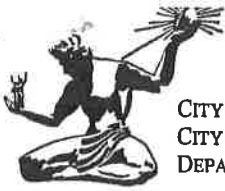
CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO.

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
DATE	APPROVED				
AUG. 19, 2014					

CITY CLERK 22 AUG 2014 PM 1:53



June 15, 2015

Honorable City Council:

RE: Giffels Webster – Petition No. 380 requesting to outright vacate, amended to also include the conversion to easement, of certain public alleys in the block bounded by Park, Woodward, Temple and Charlotte.

Petition No. 380 of Giffels Webster, at 28 W. Adams, Suite 1200, Detroit, Michigan 48226 respectfully request to vacate (outright) the northerly 266.99 feet of the north-south, public alley, 15.00 ft. wd., first east of Park Avenue, between Temple, and Charlotte Avenues, to vacate (outright) and the east-west, public alley, 20 ft. wd. between Park and Woodward Avenues; request the conversion of, the southerly 95.21 ft. of the north-south, public alley, 15.00 ft. wd., first east of said Park Avenue, between Temple and Charlotte Avenues; and all of the north-south public alley, 15.00 ft. wd., first west of Woodward Avenue, between said Temple and Charlotte Avenues into private easements for utilities. All of said public alleys are in the block bounded by said Park Avenue (60 feet wide), said Woodward Avenue (120 feet wide), said Temple Avenue (60 feet wide) and said Charlotte Avenue (60 feet wide).

The request was approved by the Planning and Development Department, the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility clearance) and report. This is our report.

The Detroit Water and Sewerage Department (DWSD) have no objection to the requested outright vacation provided that if it becomes necessary an easement will be granted by the property owner in accordance with plans approved by the DWSD. All necessary work is to be at the property owner's expense and at no costs to the DWSD. Also, the property owner must comply with the provisions and requirements of the attached resolution.

The Public Lighting Department (PLD) reports having underground fed lighting circuits running in the area of the requested vacations. However, the PLD has no objections to vacating its facilities, provided that all required work is performed by the property owner's contractor at no cost to the PLD. Call MISS DIG to mark PLD installations. The contractor will be liable for any loss or damage to the PLD.

Michael Duggan. MAYOR



All other city departments and privately owned utility companies have reported no objections to the changes in public rights-of-way or that satisfactory arrangements have been made. Provisions protecting utility installations (if necessary) are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard Doherty", written over the typed name.

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

JMK/

Cc: Ron Brundidge, Director – DPW
Mayor's Office

Michael Duggan. MAYOR

BY COUNCIL MEMBER _____

RESOLVED, All that part of the East-West public alley, 20.00 feet wide, lying Southerly of and abutting the South line of Lots 6 through 14, Block 73, and lying Northerly of and abutting the North line of Lots 6 through 14, both inclusive, Block 74, "Plat of Subdivision of Park Lots 72, 73, 74, 75 and 76", City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 196, Deeds, Wayne County Records;

Also, that part of the North-South public alley, 15.00 feet wide, lying Westerly of and abutting the West line of Lot 14, and lying Easterly of and abutting the East line of Lots 15 through 20, both inclusive, Block 73, and lying Westerly of and abutting the West line of the North 75.89 feet of Lot 14 and lying Easterly of and abutting the East line of Lots 15 and 16 and the North 24.79 feet of Lot 17, Block 74, "Plat of Subdivision of Park Lots 72, 73, 74, 75 and 76", City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 196, Deeds, Wayne County Records;

Be and the same is hereby vacated (outright) as public alleys to become part and parcel of the abutting property,

PROVIDED, that if it becomes necessary to grant an easement to the Detroit Water and Sewerage Department (DWSD), said easement will be built in accordance with plans approved by the DWSD. Also, all work to be performed at the property owner's expense and at no cost to the DWSD, and

PROVIDED, That if necessary, the property owner will abandon or reroute The Public Lighting Department (PLD) lighting circuits running in the area of the requested vacations, and

PROVIDED, that all required work is performed by the property owner's contractor at no cost to the PLD, call MISS DIG to mark PLD installations, and the contractor will be liable for any loss or damage to the PLD, be it further

RESOLVED, All that part of the North-South public alley, 15.00 feet wide, lying Westerly of and abutting the West line of a vacated alley and Lots 1 through 4, both inclusive, of "Andrew C. Austin ET AL extension of Subdivision of Park Lot 74" City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 189, Plats, Wayne County Records;

Also, That part of the Westerly 15.00 feet of Lot 5, Block 73, deeded to the City of Detroit for public alley purposes, January 2, 1884, "Plat of Subdivision of Park Lots 72, 73, 74, 75 and 76", City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 196, Deeds, Wayne County Records;

Also, All that part of the North-South public alley, 15.00 feet wide, lying Westerly of and abutting the West line of the South 95.21 feet of Lot 14, and lying Easterly of and abutting the East line of the South 5.21 feet of Lot 17, Lots 18, 19 and 20, Block 74, "Plat of Subdivision of Park Lots 72, 73, 74, 75 and 76", City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 196, Deeds, Wayne County Records;

Be and the same is hereby vacated as public alleys and is hereby converted into private easements for public utilities of the full width of the alleys, which easements 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 alleys and by their heirs, executors, administrators, and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public alleys 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 easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated alleys 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 easements or rights-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 easements 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, retaining or partition walls, shall be built or placed upon said easement, 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 alleys 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 be it further

PROVIDED, That an easement, the full width of the existing rights-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 egress at any time to, and over said easements for the purpose above set forth, and further

PROVIDED, That free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easements is reserved for the 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 further

PROVIDED, The Detroit Water and Sewerage Department has the right to install suitable permanent main location guide posts over its water mains at reasonable intervals and points of deflection, and 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 easements, or that no grade changes or storage of materials shall be made within said easements without prior written approval and agreement with the Detroit Water and Sewerage Department, and further

PROVIDED, That if at any time in the future, the owners of any lots abutting said vacated alleys 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 cost incident to the repair of such broken or damaged sewers and water mains, and shall also be liable for claims for damages resulting from his/her actions, and further

PROVIDED, That the City of Detroit Planning and Development Department is hereby authorized and directed to issue a "Quit Claim Deed" for land dedicated to the City of Detroit January 2, 1884, for public alley purposes, said land described as:

Land in the City of Detroit, County of Wayne, State of Michigan, being the Westerly 15.00 feet of Lot 5, Block 73, deeded to the City of Detroit for public alley purposes, January 2, 1884, "Plat of Subdivision of Park Lots 72, 73, 74, 75 and 76", City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 196, Deeds, Wayne County Records; 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.

A waiver of reconsideration is hereby respectfully requested of your Honorable Body.

PETITION NO. 380
 GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O MICHAEL MARKS
 PHONE NO. 313 962-4442

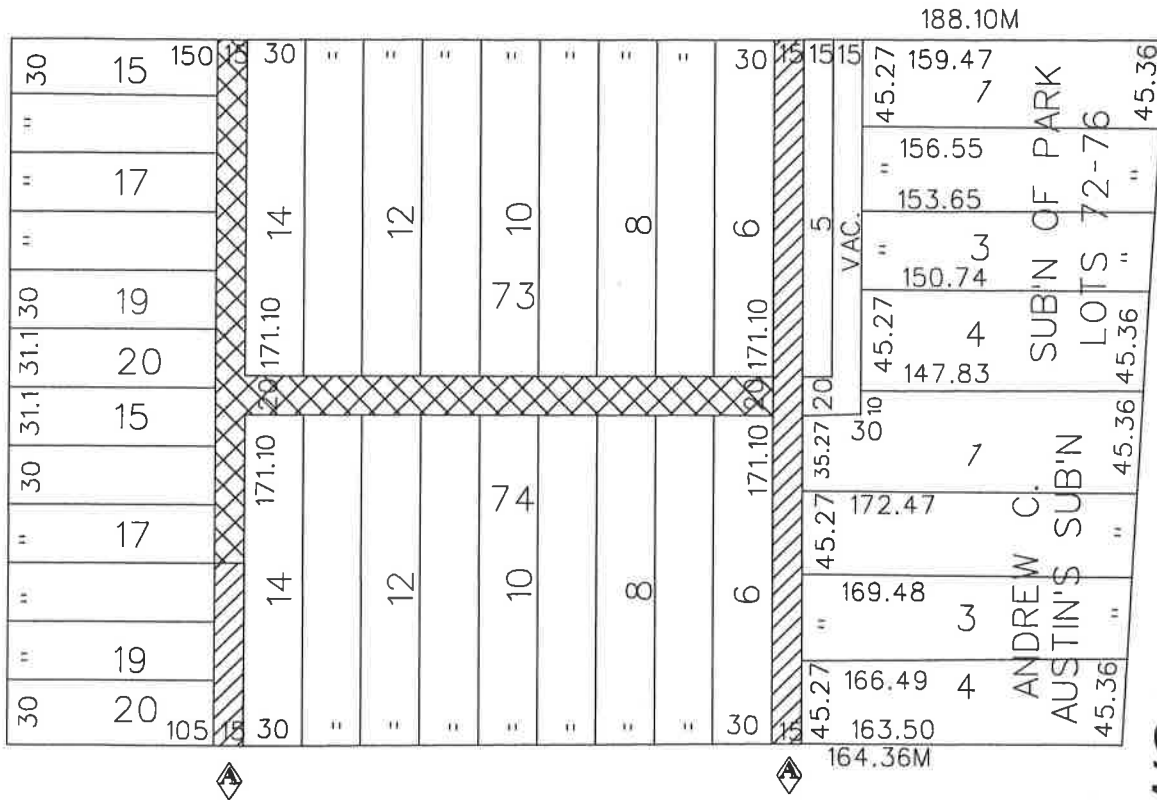


"REVISED"

CHARLOTTE AVE. 60 FT. WD.

PARK AVE. 60 FT. WD.

WOODWARD AVE. 120 FT. WD.



TEMPLE AVE. 60 FT. WD.



- REQUESTED CONVERSION TO EASEMENT



- REQUESTED VACATION

(FOR OFFICE USE ONLY)

CARTO 29 B

B					REQUEST TO VACATE		CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A					THE EAST/WEST PUBLIC ALLEY 20 FT. WD. AND A PORTION OF THE NORTH/SOUTH PUBLIC ALLEY 15 FT. WD. AND CONVERSION TO EASEMENT OF THE REMAINING PUBLIC ALLEYS VARIOUS WIDTHS IN THE BLOCK BOUND BY TEMPLE, PARK, CHARLOTTE AND WOODWARD AVE.			
REVISIONS								
DESCRIPTION					DRWN	CHKD	APPD	DATE
DRAWN BY					CHECKED			
DATE					APPROVED			