

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Robin R. Underwood, CMC  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Wednesday, February 04, 2015*

*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

**531** *1903 Wilkins, LLC, request to vacate previously abandoned alleys located on or abutting the property at 1903 Wilkins St., Detroit, MI. 48207 for the purpose of clearing title in order to consolidate the tax parcels into one single parcel.*



JAFFE BATTI HEUER & WEISS  
A Professional Corporation  
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248.727.1428

January 16, 2015

VIA FACSIMILE AND  
OVERNIGHT MAIL

The Honorable City Council  
Attn: Office of the City Clerk  
200 Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Fax No.: 313-224-2075

Re: Petition to Vacate Alleys and south portion of Property  
Property Address: 1903 Wilkins and various addresses at Erskine and Wilkins to  
the north and south and St. Aubin and Orleans to the east and west, Detroit, MI  
48226 (the "Property")

To the Honorable City Council:

The undersigned respectfully submits the following Petition to Vacate Alleys as follows:

PETITIONER: 1903 Wilkins, L.L.C, a Michigan limited liability company ("Petitioner")

LOCATION: 1903 Wilkins, Detroit, Michigan 48207

PURPOSE OF REQUEST: Petitioner seeks the vacation of previously abandoned alleys  
located on or abutting the Property for the purpose of clearing title in order to consolidate the tax  
parcels into one single tax parcel.

DATE OF EVENT: Petitioner requests immediate vacation of alleys located on  
Property. Petitioner further requests that City Council consider the fact that a petition to vacate  
the same alleys and streets was already submitted back in August 2004 with no apparent  
resolution.

OTHER RELEVANT INFORMATION: On behalf of Petitioner, owner of the above-  
referenced Property, this letter shall serve as a petition for the vacation of all alleys located on  
the Property and upon which sits the Detroit Edison Public School Academy ("DEPSA"). Please  
see the attached **Exhibit A** for a more particular description of such alleys to be vacated and  
**Exhibit B** for a tax parcel map for convenient reference.

Petitioner leased the Property to DEPSA and is required under the lease to consolidate each of the 25 tax parcels that comprise the Property into one contiguous tax parcel. While attempting to consolidate the tax parcels, it has come to our attention and the attention of the City of Detroit's Assessor's Office that the alleys located on the Property were never properly vacated during the acquisition and development process. Furthermore, we have discovered that a previous petition to vacate the subject alleys and streets was submitted back in August of 2004, a copy of which is attached hereto as **Exhibit C**. Evidently, that petition was never reviewed by the City Council and there was therefore no disposition of the matter. In order for us to continue with the tax parcel combination procedure, the Assessor's Office requires vacation of the alleys as soon as it may be possible to do so.

In addition, the East and West alley 15 feet wide, North of Lots 66 and 67 and South of Lots 73 and 74, Outlot 34, St. Aubin Farms, as recorded in Liber 1, Page 173, was not properly vacated by the Journal of Common Council proceedings dated August 5, 1930, Page 66 (the "JCC"), a copy of which is attached hereto as **Exhibit D**. The City of Detroit reserved the North half of such alley in the deed to the trustee, a copy of which is attached hereto as **Exhibit E**. As a result, we request that this alley be properly vacated and we also request a deed from the City of Detroit to 1903 Wilkins, LLC for the North portion of the alley, South of Lots 73 and 74.

Furthermore, the City of Detroit attempted to vacate the entirety of Erskine north of Lot 4 in the JCC. However, this did not properly vacate the entirety of Erskine north of Lot 4. We request that a new resolution be recorded in order to vacate the North 20 feet of the West 60 feet of Erskine lying South of Lot 3. An accurate description is included on Exhibit A.

Finally, the block wall on the Southern line of our client's property encroaches into the property dedicated to the City of Detroit for street purposes being that portion of Lots 49 through 54, Witherell Farm North of Gratiot Turnpike, as recorded in Liber 41 of Deeds, Page 450 and being more particularly described in the Journal of Common Council Proceedings dated August 5, 1930, Page 66. A visual depiction of the encroachment area is provided in the survey attached hereto as **Exhibit F**. We request the vacation of this encroachment area. In the alternative, we are willing to enter into an easement agreement whereby the City of Detroit permits such encroachment into the area dedicated to the City for roadway purposes.

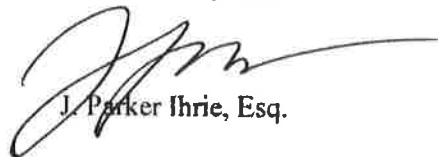
[Signatures on following page]

The Honorable City Council  
January 16, 2015  
Page 3

Please do not hesitate to contact me if you need any further information.

Sincerely,

**Jaffe, Raitt, Heuer & Weiss**  
Professional Corporation



J. Parker Ihrie, Esq.

PETITIONER:

1903 WILKINS, LLC,  
a Michigan limited liability company

By: 

Name: FRANK TORRE

Title: member

## EXHIBIT A

### **Legal Description of Alleys and Streets to be Vacated**

North and South alley 20 feet wide adjacent to Lot 25 and 26, Plat of Subdivision of Lot 16, North of Gratiot Road, Witherell Farm, as recorded in Liber 44 of Deeds, Page 470.

East and West alley variable width adjacent to Lots 18 thru 22, on the South and Lots 26 thru 29, on the North, Plat of Subdivision of Lot 16, North of Gratiot Road, Witherell Farm, as recorded in Liber 44 of Deeds, Page 470 and adjacent to Lots 78 thru 82, on the South and Lots 89 thru 93 on the North, Outlot 34, St. Aubin Farms, as recorded in Liber 1, Page 173, including that portion lying South of the North and South alley adjacent to Lots 25 and 26, Plat of Subdivision of Lot 16, North of Gratiot Road, Witherell Farm, as recorded in Liber 44 of Deeds, Page 470.

North South alley 20 feet wide adjacent to Lots 68 thru 72, Lots 83 thru 88 on the East, Outlot 34, St. Aubin Farms, as recorded in Liber 1, Page 173 and adjacent to Lot 67, 73, 82 and 89 on the West of Outlot 34, St. Aubin Farms, as recorded in Liber 1, Page 173, including that portion of alley adjacent to vacated Watson.

East and West alley 15 feet wide, North of Lots 66 and 67 and South of Lots 73 and 74, Outlot 34, St. Aubin Farms, as recorded in Liber 1, Page 173.

FROM  
TITLE  
COMPANY

Note: The city reserved the North ½ of the alley, in the deed to the Trustee, however it was in error. The above legal is asking to vacate the entire alley.

As to the ROW encroachment:

Please see Exhibit F for a visual depiction of the encroachment area to be vacated. Using the legal below, it would be the land between the wall and the North line of the street.

That portion dedicated to the City of Detroit for street purposes being that portion of Lot 49 thru 54, Witherell Farm North of the Gratiot Turnpike, as recorded in Liber 41 of Deeds, Page 450 and being more particularly described in the Journal of Common Council Proceedings dated August 5, 1930, Page 66.

Watson Street, 40 feet wide lying South of Lot 83 and North of Lot 72, Outlot 34, St. Aubin Farms, as recorded in Liber 1, Page 173.

The North 20 of the West 60 feet of Erskine lying South of and adjacent to Lot 3, of Plat of Subdivision of Lot 16, North of Gratiot Road, Witherell Farm, as recorded in Liber 44 of Deeds, Page 470.



December 9, 2015

Honorable City Council:

**Re: Petition No. 531 - 1903 Wilkins, LLC, request to vacate previously abandoned alleys located on or abutting the property at 1903 Wilkins Street, Detroit, MI. 48207 for the purpose of clearing title in order to consolidate the tax parcels into one single parcel.**

Petition No. 531 – by Silvia Shelby Bradley on behalf of 1903 Wilkins LLC, request to vacate and convert to easement part of Erskine Avenue, Watson Avenue, Wilkins Avenue and the remaining public alleys in the area bounded by Wilkins Avenue, variable width, Erskine Avenue, 50 feet wide, Dequindre Cut (Grand Trunk Railroad right-of-way) and St Aubin Avenue, 50 feet wide.

This request is being made in order to consolidate the Detroit Edison Public School parcels into a single tax parcel and to clear the title for the new parcel. The school has been in existence at the subject site for over 10 years but was a tenant and just purchased it from the landlord this year which now allows them to exempt the property taxes that they have been paying because of the lease terms.

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

The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW.

The Public Lighting Department (PLD) reports that there is a 24,000 volt cable run in Erskine Avenue. Maintenance crews require 24-hour heavy truck access for repair of duct run and/or cable installation. The specific PLD provision is a part of the attached resolution.

The Public Lighting Authority (PLA) reports having PLA lights in the affected area and requests the petitioner to contact PLA for actual costs to remove the lights when ready. The specific PLA provision is a part of the attached resolution.

The Detroit Fire Department (DFD) reports involvement and a provision to maintain DFD access is a part of the 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.



All involved 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. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Doherty".

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

JMK/

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

BY COUNCIL MEMBER \_\_\_\_\_

**RESOLVED**, that the following public rights-of-way:

- 1) That part of Erskine Avenue, 50 feet wide, from the westerly line of St Aubin Avenue to the existing vacated portion easterly of the Dequindre Cut (Grand Trunk Railroad right-of-way) being more particularly described as lying northerly of and adjoining the northerly line of Lots 24 through 29, both inclusive and the vacated north-south alley, 20 feet wide westerly of and adjoining said Lot 24; also lying southerly of and adjoining the southerly line of Lots 30 through 35, both inclusive and the vacated north-south public alley, 20 feet wide, westerly of and adjoining said Lot 35 "Plat of the Subdivision of Lot 16, North of Gratiot Road, Witherell Farm" as recorded in Liber 44, Page 470 of Deeds, Wayne County Records; also lying northerly of and adjoining the northerly line of Lots 88 through 93, both inclusive and the north-south public alley, 20 feet wide, adjoining said Lots 88 and 89; and lying southerly of and adjoining the southerly line of Lots 94 through 99, both inclusive, and the north-south public alley, 20 feet wide adjoining said Lots 98 and 99 "Plat of the Subdivision of Out Lot 34, St Aubin Farm" as recorded in Liber 1, Page 173 of Plats, Wayne County Records.
- 2) That part of Watson Avenue, 50 feet wide, from St. Aubin Avenue westerly 120 feet (record) being more particularly described as lying northerly of and adjoining the northerly line of Lot 72 and the north-south public alley, 20 feet wide, adjoining Lots 72 and 73; also lying southerly of and adjoining the southerly line of Lot 83 and the north-south public alley, 20 feet wide, adjoining Lots 82 and 83 "Plat of the Subdivision of Out Lot 34, St Aubin Farm" as recorded in Liber 1, Page 173 of Plats, Wayne County Records.
- 3) That part of Wilkins Avenue, variable width, easterly of the Dequindre Cut (Grand Trunk Railroad) and westerly of St Aubin Avenue being more particularly described as that part of Lots 49, 50, 51, 52 and 53 "Subdivision of Lots 14 and 15 on the Witherell Farm, North of the Gratiot turnpike" as recorded in Liber 41, Page 450 of Deeds, Wayne County Records, lying northerly of a line being 65 feet northerly of and parallel to the southerly line of Wilkins Avenue.
- 4) All of the north-south public alley, 20 feet wide, in the block of Watson Avenue, Erskine Avenue, Dequindre Cut (Grand Trunk Railroad) and St. Aubin being the easterly 20 feet of Lot 25 and lying westerly of and adjoining Lot 26 "Plat of the Subdivision of Lot 16, North of Gratiot Road, Witherell Farm" as recorded in Liber 44, Page 470 of Deeds, Wayne County Records.
- 5) All of the east-west public alley, 17.5 and 20 feet wide, in the block of Watson Avenue, Erskine Avenue, Dequindre Cut (Grand Trunk Railroad) and St. Aubin being the northerly 2.5 feet of Lots 18, 19, 20, 21 and the northerly 2.5 feet of the easterly 20 feet of Lot 22 along with the original public alley, 15 feet wide, lying northerly of and adjoining Lots 18, 19, 20, 21 and the easterly 20 feet of Lot 22 and lying southerly of and adjoining Lots 26,



27, 28, 29 and the easterly 20 feet of Lot 25 "Plat of the Subdivision of Lot 16, North of Gratiot Road, Witherell Farm" as recorded in Liber 44, Page 470 of Deeds, Wayne County Records; also all of the public alley, 20 feet wide, lying northerly of and adjoining Lots 78, 79, 80, 81 and 82 and lying southerly of and adjoining Lots 89, 90, 91, 92 and 93 "Plat of the Subdivision of Out Lot 34, St Aubin Farm" as recorded in Liber 1, Page 173 of Plats, Wayne County Records.

- 6) All of the north-south public alley, 20 feet wide, in the block of Watson Avenue, Erskine Avenue, Dequindre Cut (Grand Trunk Railroad) and St. Aubin lying westerly of and adjoining Lots 83 through 88 and lying easterly of and adjoining Lots 82 and 89 "Plat of the Subdivision of Out Lot 34, St Aubin Farm" as recorded in Liber 1, Page 173 of Plats, Wayne County Records.
- 7) All of the north-south public alley, 20 feet wide, in the block of Wilkins Avenue, Watson Avenue, Dequindre Cut (Grand Trunk Railroad) and St. Aubin lying westerly of and adjoining Lots 68 through 72, both inclusive, and lying easterly of and adjoining Lots 67 and 73, including any parts of the above said Lots deeded for rights-of-way and subsequently vacated "Plat of the Subdivision of Out Lot 34, St Aubin Farm" as recorded in Liber 1, Page 173 of Plats, Wayne County Records.
- 8) All of the east-west public alley, 15 feet wide, in the block of Wilkins Avenue, Watson Avenue, Dequindre Cut (Grand Trunk Railroad) and St. Aubin being the southerly 15 feet of Lots 73 and 74 "Plat of the Subdivision of Out Lot 34, St Aubin Farm" as recorded in Liber 1, Page 173 of Plats, Wayne County Records.

Be and the same are hereby vacated as a public rights-of-way and converted into a private easements for public utilities of the full width of the streets and 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 rights-of-way 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 streets and 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 street or 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 rights-of-way 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 rights-of-way shall request the removal and/or relocation of any existing poles or other utilities in said easements; 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 Public Lighting Department (PLD) maintenance crews shall have 24-hour heavy truck access for repair of the 24,000 volt cable and/or duct installation in the Erskine Avenue easement; and be it further

Provided, that the petitioner shall pay all costs required by the Public Lighting Authority (PLA) for removal of PLA lights in the affected area or make arrangements with PLA for the continued usage of the existing streetlights; and be it further

Provided, that Fire Department access must be maintained for emergency personnel at all times; 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 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 easements, 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 rights-of-way 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 easements 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 perform any construction of new curb and sidewalk, such construction 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. 531  
 JAFFE, RAITT, HEUER & WEISS  
 C/O 1903 WILKINS, LLC  
 27777 FRANKLIN RD. SUTIE 2500  
 SOUTHFIELD, MICHIGAN 48034  
 C/O J. PARKER IHRIE, ESQ.  
 PHONE NO. 248 727-1428

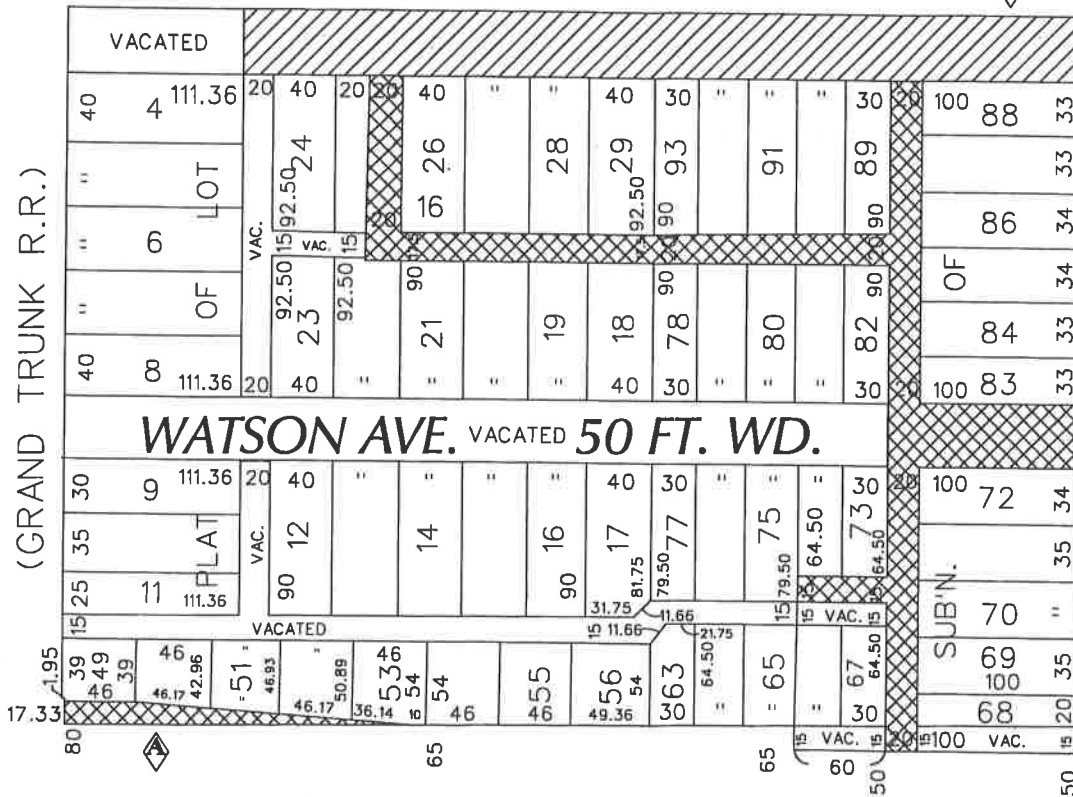


**"REVISED"**

DEQUINDRE CUT 70 FT. WD.

(GRAND TRUNK R.R.)

ERSKINE AVE. 50 FT. WD.



ST. AUBIN AVE. 50 FT. WD.

WILKINS AVE. 50 FT. WD.



- REQUESTED CONVERSION TO EASEMENT



- REQUESTED VACATION

(FOR OFFICE USE ONLY)

CARTO 39 B

<b>B</b>	REVISED A PORTION OF ERSKINE AVE. TO REQUEST AN EASEMENT TO ADJACENT REQUESTED ON 3/13/15	WLW	KSM	KSM	5/13/15
<b>A</b>	REVISED A PORTION OF WILKINS AVE. TO REQUEST TO OUTRIGHT VACATE REQUESTED ON 3/23/15	WLW	KSM	KSM	3/23/15
<b>DESCRIPTION</b>		<b>DRWN</b>	<b>CHKD</b>	<b>APPD</b>	<b>DATE</b>
<b>REVISIONS</b>					
<b>DRAWN BY</b>	WLW	<b>CHECKED</b>			
<b>DATE</b>	02-09-14	<b>APPROVED</b>			

REQUEST TO OUTRIGHT VACATE A PORTION OF WATSON AVE. 50 FT. WD., A PORTION OF WILKINS AVE. AND VARIOUS PUBLIC ALLEYS, VARIOUS WIDTHS AND REQUEST TO CONVERSION TO EASEMENT A PORTION ERSKINE AVE., 50 FT. WD. BOUND BY ERSKINE, ST. AUBIN, WILKINS AVE. AND DEQUINDRE CUT

<b>CITY OF DETROIT</b>	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
<b>JOB NO.</b>	01-01
<b>DRWG. NO.</b>	X 531