

Hagood, Henry
(313) 680-9441

LaVoque Square Apartments

225 Merton

Detroit, Michigan 48203

The Honorable City Council

Attn: Office of the City Clerk

200 Coleman A. Young Municipal Center

Detroit, Michigan 48226

Honorable City Council,

Please consider this request for the vacation of an alley. The alley is located at 225 Merton Ave. along the east side of the LaVoque Square Apartment building.

We are requesting the alley vacation to improve security and parking to the residents of LaVoque Square Apartments. The owner of LaVoque also owns the other properties abutting the alley.

As this is a security issue for the residence, we are requesting this to be completed as soon as possible.

The following is the pertinent information:

Vacate an Alley

Location: LaVoque Square Apartments
225 Merton
Detroit, Michigan 48203
East Side Alley

Reason: Increase security to residents and improve parking

Contacts: Malino Properties (Owners Offices)
8445 E. Jefferson Ave.
Detroit, Michigan 48214
Kevin McNamara 313-999-7495

Thank-you for your prompt consideration of this matter,



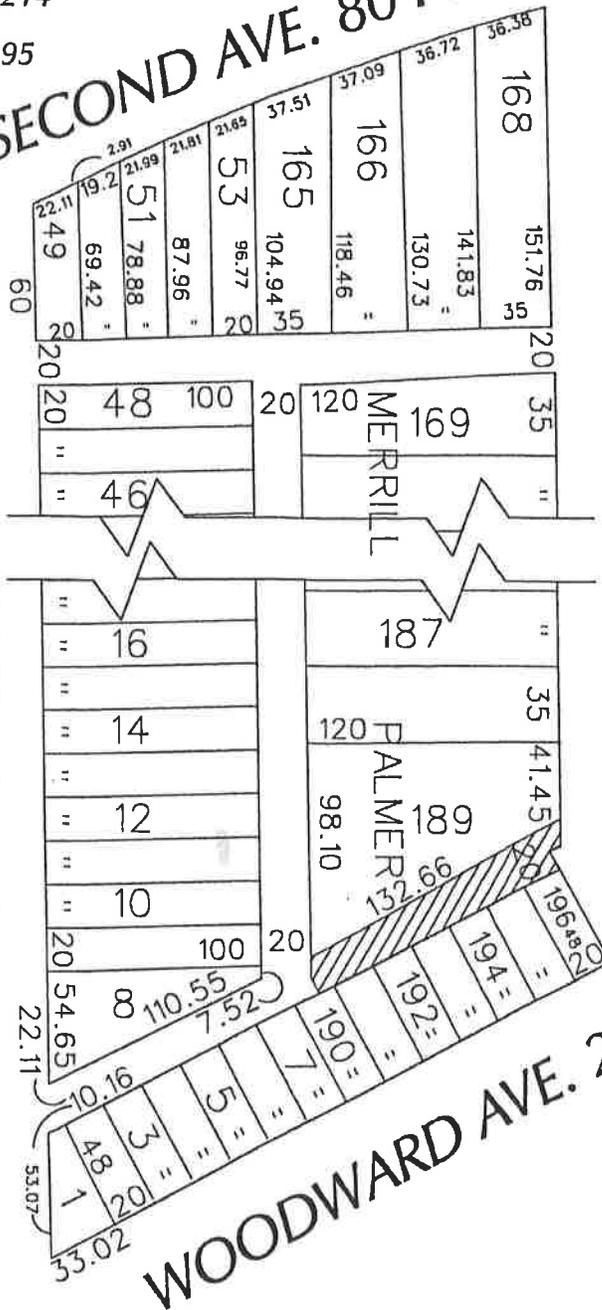
Kevin McNamara

PETITION NO. 720
 KEVIN McNAMARA
 C/O MALINO PROPERTIES
 8445 E. JEFFERSON AVE.
 DETROIT, MICHIGAN 48214
 C/O KEVIN McNAMARA
 PHONE NO. 313 999-7495

SECOND AVE. 80 FT. WD.



CITY OF HIGHLAND PARK
 W. McNICHOLS RD. 66 FT. WD.
 CITY OF DETROIT



MERTON RD. 60 FT. WD.

WOODWARD AVE. 204 FT. WD.



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 36 D

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DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
06-24-15					

REQUEST TO CONVERT TO EASEMENT
 A PORTION OF THE NORTH/SOUTH
 PUBLIC ALLEY, 20 FT. WD.
 IN THE BLOCK BOUND BY
 W. McNICHOLS, MERTON RD., SECOND
 AND WOODWARD AVE.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 720



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

DETROIT
CITY CLERK

(319)
(76)

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 601
DETROIT, MICHIGAN 48226
PHONE: (313) 224-4919 TTY: 711
FAX: (313) 224-3471
WWW.DETROITMI.GOV

2015-SEP-22 - P 11:12

September 3, 2015

Honorable City Council:

Re: Petition No. 720, Kevin McNamara, request for the vacation of an alley located at 225 Merton Ave. to improve security and parking for the residents of La Vogue Square Apartment.

Petition No. 720 – Kevin McNamara on behalf of La Vogue Limited Housing Association LP , request to vacate and convert to easement the north part of the north-south alley, 20 feet wide in the block bounded by West McNichols Road, 66 feet wide, Merton Road, 60 feet wide, Second Avenue, 80 feet wide, and Woodward Avenue, 204 feet wide.

This request is being made to provide security between the apartment building and the parking lot.

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.

Planning and Development Department reports that the properties are in the Palmer Park Historic District, but they have no objection to the request.

All involved City Departments, including the Public Lighting Department, and Public Lighting Authority; also privately owned utility companies have reported no objections to the conversion of the public rights-of-way into a private easement for public utilities. 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.

I am recommending adoption of the attached resolution.

Respectfully submitted,

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

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

ENTERED OCT 12 2015 - *Approve*

BY COUNCIL MEMBER

Ayers

RESOLVED, All that part of the north-south alley, 20 feet wide in the block bounded by West McNichols Road, 66 feet wide, Merton Road, 60 feet wide, Second Avenue, 80 feet wide, and Woodward Avenue, 204 feet wide lying westerly of and adjoining the westerly line of Lots 191 through 196, both inclusive and lying easterly of and adjoining the easterly line of Lot 189 "Merrill - Palmer Subdivision being a subdivision of part of Section 11, T.1S.,R.11E. City of Detroit, Wayne County, Michigan (in 2 parts, Part 1)" as recorded in Liber 45, Pages 54 and 55 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public alley and 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 an 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 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 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 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

Provided, That if it becomes necessary to remove the paved alley return at the entrance (into Merton 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.

**ADOPTED AS FOLLOWS
COUNCIL MEMBERS**

	YEAS	NAYS
Janeé AYERS		
Scott BENSON		
Raquel CASTANEDA-LOPEZ		
*George CUSHINGBERRY, JR.		
Gabe LELAND		
Mary SHEFFIELD		
Andre SPIVEY		
James TATE		
Brenda PRESIDENT JONES		
*PRESIDENT PRO TEM		
	8	0

TRUE COPY CERTIFICATE

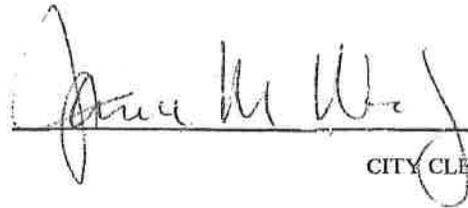
STATE OF MICHIGAN }
City of Detroit } SS

CITY CLERK'S OFFICE, DETROIT

I, Janice M. Winfrey, City Clerk of the City of Detroit, in said State, do hereby certify that the annexed paper is a TRUE COPY OF RESOLUTION adopted (passed) by the City Council at session of October 20, 2015 and approved by Mayor October 27, 2015 as appears from the Journal of said City Council in the office of the City Clerk of Detroit, aforesaid; that I have compared the same with the original, and the same is a correct transcript therefrom, and of the whole of such original.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said City, at

Detroit, this 8th day of December A.D. 2015


CITY CLERK