

# FAX TRANSMITTAL

## Office of the City Clerk

Coleman A Young Municipal Center

Two Woodward Avenue, Suite 200

Detroit, Michigan 48226

Telephone: (313) 224-2070 Fax: (313) 224-2075

*Tuesday, September 29, 2015*

*No. of Pages* **11**

FROM: *Mr. Andre Gilbert II, Junior Assistant City Council Committee Clerk*

SUBJECT: ***Petition #852, Taktix Solutions, on behalf of Hope of Detroit Academy request to outright vacate certain public rights-of-way bund by Rich Street, Buchanan Street, 35th Street and Junction Street.***

### FAX TO THE FOLLOWING DEPARTMENT(S):

Mr. Richard Doherty, City Engineer

DPW - City Engineering Division

(313) 224-1464

Mr. Maurice Cox, Director

Planning and Development Department

(313) 224-1629

Attachment

# City of Detroit

OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

## DEPARTMENTAL REFERENCE COMMUNICATION

*Tuesday, September 29, 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    PLANNING AND DEVELOPMENT DEPARTMENT

**852**    *Taktix Solutions, on behalf of Hope of Detroit Academy request to outright vacate certain public rights-of-way bund by Rich Street, Buchanan Street, 35th Street and Junction Street.*



211 W. Fort Street, Suite 720  
Detroit, MI 48226

#852

September 22, 2015

City of Detroit  
Honorable City Council  
C/o Office of the City Clerk  
200 Coleman A. Young Municipal Center  
Detroit, MI 48226

Re: Hope of Detroit Academy Request to Outright Vacate Certain Public Rights-of-Way bound by Rich Street, Buchanan Street, 35<sup>th</sup> Street and Junction Street

Dear Ms. Winfrey,

I am writing to request the outright vacation of certain public rights-of-way in the block bound by Rich Street, Buchanan Street, 35<sup>th</sup> Street and Junction Street. The attached survey prepared by Kem-Tec & Associates includes a legal description for the property owned by the Hope of Detroit Academy and also the public rights of way in question. We are requesting the outright vacation of the north/south public right-of-way at lots 11-14 and lots 23-26 of the Block H, Brush's Subdivision along with the east/west public right-of-way at lots 1-8 of the John Affeld's Subdivision.

This vacation is needed for construction of the new Hope of Detroit Academy Middle/High School to be located at 4444 35<sup>th</sup> Street, Detroit, MI 48210. Please note the property address was formerly known as 4443 Junction, Detroit, MI 48210. The necessary paperwork was filed with the City of Detroit requesting to change the address, and now the property is known as 4444 35<sup>th</sup> Street, Detroit, MI.

By copy of this request we are providing:

- House Number Certificate issued by the City of Detroit Engineering Division confirming the new address
- Survey, including lot numbers
- Resolution recorded in Wayne County on February 6, 1962 in Liber 14670 Page 336
- Resolution recorded in Wayne County on June 30, 2011 in Liber 49250 Page 1020-1021
- Property ownership information

This information is being forwarded to City Engineering for purposes of analyzing the required public approvals and any utility easements.

On behalf of Hope of Detroit Academy I am available to assist you in any way including communication with the respective utility companies to promptly move forward with the above vacation.

Please forward all communication and material regarding this request to:

Hope of Detroit Academy  
c/o Taktix Solutions, LLC  
211 W. Fort Street, Suite 720  
Detroit, MI 48226

Should you have any questions or require further information please call Michelle Gilbert at 313 961-9446.

Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Michelle Gilbert". The signature is written in black ink and is positioned above the typed name.

Michelle Gilbert  
Cc: City Engineering

CITY OF DETROIT - CITY ENGINEERING DEPARTMENT A 9640  
 HOUSE NUMBER CERTIFICATE

	SUBDIVISION	LOT NUMBER	HOUSE NUMBER	STREET
1	BRUSH'S SUB	11	444A	35TH
2				
3				
4				
5				
6				
7				
8				
9				
10				
NAME OF APPLICANT		ADDRESS		
TAXIT SOLUTIONS		211 W. FORT ST, SUITE 720		
TELEPHONE	TOTAL NUMBER OF ITEMS FURNISHED	TOTAL AMOUNT DUE (\$2.00 MINIMUM)		
3139619446	1 X 1300 = \$ 1300	\$ 1300		
DATE	PREPARED BY			
3/31/14	KETA W/CLARY			

EG61260

L14670 PA336

By Councilman Beck: Resolved That all of the north-south public alley, 10 feet wide, east of 35th Street, north of Buchanan Street, as platted in Block H. of Brush's Subdivision of that Part of P.O. 260 lying between Michigan Avenue and the northerly line of Horatio Street, except the easterly 350 feet as recorded in Liber 18, Page 21 of Plans Wayne County Records, lying east of and adjoining the easterly line of Lots 11 to 14, both inclusive, and east of and adjoining the westerly line of Lots 22 to 25 both inclusive, all of the above mentioned subdivision.

Also, all of the north-south public alley, east of 35th Street, north of Buchanan Street, which was deeded for alley purposes, on October 18, 1917, being in fact the easterly 10 feet of Lot 11 and also the westerly 10 feet of Lot 22 of Block H. Brush's Subdivision of that Part of Private Claim 260 lying between Michigan Avenue Street except the easterly 350 feet as recorded in Liber 18, Page 21 of Plans Wayne County Records.

It and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property, and further

Resolved, That all of the east-west public alley, 10 feet wide, east of 35th Street, north of Buchanan Street, as platted in John Affeld's Subdivision of Lots 15 to 22 both inclusive of Block H. and alley between said Lots of Brush's Subdivision of Part of P.O. 260 between Michigan Avenue and Horatio Street as recorded in Liber 17, Page 33 of Plans Wayne County Records lying north of and adjoining the westerly line of Lots 1 to 9 both inclusive, all of the above mentioned John Affeld's Subdivision.

It and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property subject to the following provisions:

1. Provided, That by reason of the vacation of the above-described street, the City of Detroit does not waive any rights to the sewer located there-in and all lines shall have the right to enter upon the premises, if found necessary on account of said sewer to repair, alter, or service same, and further

2. Provided, That if a building is to be constructed over said sewer, the sewer shall be replaced with cast-iron pipe of the same size, wrapped or encased in 6 inches of Class "A" concrete, or in lieu of the above, such work shall be done as will be specified by the City Engineer, all of the work mentioned to be done under the supervision and inspection of the Department of Public Works and all costs entailed to be borne by the petitioners, their successors, or assigns, and further

3. Provided, That no buildings shall be constructed over said sewer without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering, and further

4. Provided, That in the event that the sewer located in said street, if built upon, shall break causing damage to any construction above, the petitioners and their assigns by acceptance of the permit for building over said sewer, waive all claims for damages to such construction and agree to pay all costs incident to the repair of said broken sewer.

Adopted as follows: Ymas - Councilman Beck, Brickley, Ruck, Meyer, Van Antwerp, Wenz, Beck and President Lacey - Y. Mayor Kone.

EG61260

RECORDED FEB 6 1962 B 7 3/4  
BERNARD J. YOUNGLOOD, Register of Deeds  
WAYNE COUNTY 26, MICHIGAN

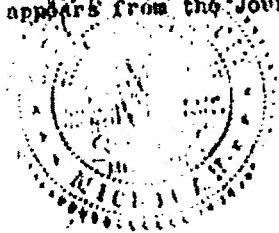
STATE OF MICHIGAN } ss.  
CITY OF DETROIT }

SHORT FORM--TRUE COPY CERTIFICATE

I, THOMAS D. LEADBETTER, CITY CLERK of the City of Detroit, do hereby Certify that the annexed paper is a True Copy of a Resolution adopted by the Common Council on January 9, 1962 and approved by the Mayor on January 16, 1962 as appears from the Journal of said Common Council, on file in my office.

IN WITNESS WHEREOF, I have herunto set my hand and affixed the Corporate Seal of said City, at Detroit, on February 6, 1962

Thomas D. Leadbetter  
City Clerk



2011 JUN 30 PM 2:57

2011 JUN 30 PM 2:57

Department of Public Works  
December 21, 1961.  
Honorable Common Council:

Gentlemen—We are returning here- with the petition of the Board of Education, No. 11104, requesting the vacation of the alleys in the block bounded by 35th Street, Rich Street, Junction Avenue, and Buchanan Street. The vacation of said alleys was approved by the City Plan Commission and the petition was then referred to this office by your Committee of the Whole for investigation and report.

We wish to advise that our investi- gations are completed.

As per our directive, the petitioner issued a purchase order No. 72120, in the amount of \$250.35 in favor of the Department of Public Works, Street Design Bureau, said amount being the original costs of paving the west one-half of Junction Avenue, and the east one-half of 35th Street at the inter- section of the alley to be vacated.

The petitioner also issued a pur- chase order, No. 72121, in the amount of \$1,200.00, in favor of the Depart- ment of Public Works, Street Main- tenance Division, to cover the costs of removing the paved alley returns, con- structing new curbs and walks and back- fill where necessary.

Proper provisions are incorporated into the vacating resolution protect- ing the City's interests in the sewers located in the east-west alley to be vacated.

All other City departments and privately owned utility companies re- ported that they will be unaffected by the vacation of said alleys or that they have reached satisfactory agree- ments with the petitioner regarding their installations therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,  
Commissioner.

By Councilman Beck:

Resolved, That all of the north- south public alley, 16 feet wide, east of 35th Street, north of Buchanan Street, as platted in Block B, of Brush's Subdivision of that Part of P.C. 280 lying between Michigan Ave- nue and the northerly line of Horatio Street, except the easterly 550 feet, as recorded in Liber 16, Page 24 of Plate Wayne County Records, lying east of and adjoining the easterly line of Lots 11 to 14, both inclusive, and west of and adjoining the westerly line of Lots 23 to 26 both inclusive, all of the above mentioned subdivision.

Also, all of the north-south public alley, east of 35th Street, north of Buchanan Street, which was deeded for alley purposes, on October 18, 1927, being in fact the easterly 10 feet of Lot 11 and also the westerly 10 feet of Lot 26 of Block B, Brush's Subdi- vision of that Part of Private Claim 280 lying between Michigan Avenue and the northerly line of Horatio Street except the easterly 550 feet as recorded in Liber 16, Page 24 of Plate Wayne County Records.

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property; and further

Resolved, That all of the east-west public alley, 16 feet wide, east of 35th Street, north of Buchanan Street, as platted in John A. Feld's Subdivision of Lots 15 to 22 both inclusive of Block H, and alley between said Lots of Brush's Subdivision of Part of P.C. 280 lying between Michigan Avenue and Horatio Street as recorded in Liber 17, Page 33 of Plate Wayne County Records lying north of and adjoining the northerly line of Lots 12, 13 both inclusive, all of the above mentioned John A. Feld's Subdivision.

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property sub- ject to the following provisions.

1. Provided, That by reason of the vacation of the above-described street, the City of Detroit does not waive any rights to the sewer located there- in and at all times shall have the right to enter upon the premises, if found necessary on account of said sewer to repair, alter, or service same; and further

2. Provided, That if a building is to be constructed over said sewer, the sewer shall be replaced with cast-iron pipe of the same size, rerouted or encased in 6 inches of Class "A" con- crete, or in lieu of the above, such work shall be done as will be specified by the City Engineer, all of the work mentioned to be done under the su- pervision and inspection of the De- partment of Public Works and all costs entailed to be borne by the petitioners, their successors, or as- signs; and further

3. Provided, That no buildings shall be constructed over said sewer without the prior approval of such building construction by the City Engineer and the Department of Buildings and Safety Engineering; and further

4. Provided, That in the event that the sewer located in said street, if built upon, shall break causing dam- age to any construction above, the petitioners and their assigns by ac- ceptance of the permit for building over said sewer, waive all claims for damages to such construction and agree to pay all costs incident to the repair of said broken sewer.

Adopted as follows:  
Yeas — Councilmen Beck, Brickley, Ravin, Rogell, Van Antwerp, Wier- bicki and President O'Leary—7.  
Nays—None.

Bernard J. Youngblood  
Wayne County Register of Deeds  
June 30, 2011 02:57 PM  
Liber 49250 Page 1020-1021

\*2011263550 RES FEE: \$18.00



B39

L 49250 - P 1021

**TRUE COPY CERTIFICATE**

Form C of D-16-CR

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

January 9, ~~XX~~ **1962**

and approved by **Mayor**

January 23, ~~XX~~ **1962**

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 29th

day of April A.D. 20 11

  
CITY CLERK

2012 FEB -2 AM 10: 05

Bernard J. Youngblood  
Wayne County Register of Deeds  
February 02, 2012 10:06 AM  
Inst: 2012030808 Liber: 49573 Page 652



COVENANT DEED

THE UNDERSIGNED GRANTOR(S): The Board of Education of the City of Detroit aka The School District of the City of Detroit, whose address is 3011 West Grand Boulevard, 10<sup>th</sup> Floor, Detroit, MI 48202 (the "Grantor") herein conveys to Hope of Detroit Academy, a Michigan non-profit corporation, whose address is 4443 N. Campbell, Detroit, MI 48210 (the "Grantee"), all of its right, title and interest in and to the following described premises situated in the City of Detroit, Wayne County, Michigan:

See attached Exhibit "A":

For the sum of: \$250,000.00 (Two Hundred Fifty Thousand Dollars and 00/100)

Exempt per MCL Section 207.526 Sec. 6 (h)(i) and MCL Section 207.505 Sec. 5 (h)(i)

TOGETHER WITH all hereditaments and appurtenances, reversions, remainders, rents, issues and profits and all the estate, right, title, interest and claim of the Grantor thereto.

TO HAVE AND TO HOLD the premises as before described unto Grantee in fee simple, and Grantor, as to title to the premises conveyed, does hereby covenant that it has done nothing to encumber the property nor has it conveyed title while owner of the property to any other person.

Subject to: lien of all ad valorem real estate taxes and assessments, if any, not yet due and payable as of the date of Closing, subject to adjustment as herein provided;

Local, state and federal laws, ordinance or governmental regulations, including but not limited to, building and zoning laws, ordinances and regulations, now in effect relating to the Property.

LAMONT TITLE CORPORATION

File: 1104131

This is to certify that the above is a true and correct copy of the original as recorded in the office of the Register of Deeds of Wayne County, Michigan.  
on this 2nd day of February, 2012.  
No. 856  
WAYNE COUNTY REGISTER

87



Dated this 10<sup>th</sup> day of January 10, 2012

The Board of Education of the City of Detroit aka  
The School District of the City of Detroit

By: Roy S. Roberts  
Roy S. Roberts, Emergency Manager

STATE OF Michigan )  
 )SS.  
COUNTY OF Wayne )

The foregoing Covenant Deed was acknowledged before me this 10<sup>th</sup> day of January, 2012, by Roy S. Roberts, Emergency Manager, of the Board of Education of the City of Detroit aka The School District of the City of Detroit.

Charlene D. Jefferson  
Notary Public

Oakland County,  
My Commission Expires: 7-15-2016  
Acting in the County of: Wayne

CHARLENE D. JEFFERSON  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires Jul. 15, 2016  
Acting in the County of Wayne

Drafted By: Michael Donovan @ Seller's direction Lamont Title Corporation 333 West Fort Street Suite 1750 Detroit, Michigan 48226	When Recorded Return To:  GRANTEE <u>S</u> (N.T.)	Send Subsequent Tax Bills to:  GRANTEE
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When recorded return to:  
LaMONT TITLE CORPORATION  
333 W. Fort Street  
Suite 1750  
Detroit, MI 48226

Exhibit "A"

Land in the City of Detroit, County of Wayne, State of Michigan being more particularly described as:

Lots 1 through 14 and 23 through 36 and vacated alleys adjacent, Block H; Brush's Subdivision, as recorded in Liber 16, Page 24 of Plats, Wayne County Records. ALSO Lots 1 through 8, John Affeld's Subdivision, as recorded in Liber 17, Page 33 of Plats, Wayne County Records.

Commonly known as: 4443 Junction

Tax Parcel ID: Ward 16 Item 001771-5

