

City of Detroit  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Andre P. Gilbert II  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Thursday, September 26, 2019*

*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

**1100**    *The El-Beth-El Del Min, request to vacate alleys generally bounded by Frederick Ave., E. Grand Blvd., Helen St., and Theodore Ave.*

**PETITION FOR CONVERSION OF  
ALLEY PASSAGEWAYS TO EASEMENT(S)  
DETROIT, MI**

September 18, 2019

**THE HONORABLE CITY COUNCIL**

ATTN: Office of the City Clerk  
200 Coleman A. Young Municipal Center  
Detroit, MI 48226

VOICE: 313.224-3260  
FAX: 313.224-2075  
FAX: 313.224-1466

**SPONSORING PETITIONER**

Name: The El Beth-El Del. Min.  
Address: 7040 Farnsworth Ave.  
Phone#: 313.897-6543

**Most Honorable and Venerable City Council of Detroit:**

We, the herein undersigned petitioners *who reside on the west side of E. Grand Blvd. and the east side of Helen Street bounded by Frederick Ave. and Theodore Ave.* abutting "Farnsworth Ave. and all adjacent associated Alley Passageways", do so respectfully petition your Honorable Body to "permanently and in perpetuity" vacate and convert said grass-overgrown, nonfunctioning, nonfunctional, and non-travelable by motor traffic "all adjacent associated Alley Passageways" from public "right-of-way" to "private property with easement". There are no garage entrances on any property owners' lots abutting "all effected Alley Passageways". We so graciously anticipate the consummation and conclusion of this matter *within 30-45 days of the date of this petition.*

Further, the undersigned represents not less than 2/3-rds. (66-2/3%) ownership of the properties abutting said "All Alley Passageways".

Parcel #	Address	Signature of Deed Holde	Signature of Co-Owner
1 15007943-4	1201 E. Grand Blvd.	<u>Michael Wimberly</u> MICHAEL WIMBERLY	N/A
2 15007942	1211 E. Grand Blvd.	<u>Michael Wimberly</u> MICHAEL WIMBERLY	N/A
3 15007941	1215 E. Grand Blvd.	<u>Michael Wimberly</u> MICHAEL WIMBERLY	N/A
4 15007940	1221 E. Grand Blvd.	<u>Gail Stallworth</u> GAIL STALLWORTH	N/A
5 15007939	1225 E. Grand Blvd.	<u>Pablo Sanchez</u> PABLO SANCHEZ	N/A
6 75007938	1227 E. Grand Blvd.	<u>Julia McQueen</u> JULIA MCQUEEN	N/A
7 15007937	1231 E. Grand Blvd.	<u>Loretta Leggett</u> LORETTA LEGGETT	N/A
8 15008908	5234 Helen Street	<u>Shon K. Brown</u> SHON K. BROWN	N/A
9 15000546	7043 Farnsworth	<u>Michael Wimberly</u> MICHAEL WIMBERLY	N/A
9 15000546	7017 Farnsworth	<u>Michael Wimberly</u> MICHAEL WIMBERLY	N/A

**All petition signers are fully apprised and keenly aware that:**

- All expenses in connection with fencing or barricading the alley will be at the expense of each property owner
- Utility companies have the right to maintain access to existing utility easement
- The City of Detroit reserves an easement for public utility purposes
- No building, structures, improvements or encroachments of any kind (except line fences) may be placed in the easement area without prior written consent from the City of Detroit Engineering Division of the Department of Public Works

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- The vacated portion becomes part and parcel of each adjacent lot. The Public Lighting Department for the City of Detroit provides lighting only for public properties such as streets or passageways; and that the lighting fixtures affected by vacating *“all effected Alley Passageways”* will be removed from private property at the expense of the public Lighting Department.
- Once approved, the choice to rescind the approved vacating of *“all effected Alley Passageways”* is generally irreversible. Division of *“all effected Alley Passageways”* parcel is guided by the State of Michigan Subdivision Law and Title to the portion of the vacated *“all effected Alley Passageways”* adjacent to any given property owner’s lot vests ownership to that owner (up to the centerline of *“all effected Alley Passageways”*, if the lots across *“all effected Alley Passageways”* are in the same subdivision), generally as per MCL 560.227a; 560
- The size of the numbers required by City of Detroit Code 1964, §50-5-27 shall be not less than three (3) inches in height, and shall be in contrast with the immediate background on which they are mounted.
- The director of Environmental Protection and Maintenance shall install numbers in accordance with the provisions of this division, the cost of the numbers and installation to be borne by the City of Detroit

Furthermore, all petition signers are fully apprised and keenly aware as per City of Detroit Ordinance §50-6-4, when a petition to vacate the alley passageway is received by the City of Detroit Law Department it shall be and is chargeable with the following responsibilities...

- Prepare the necessary resolution for consideration by the City Council
- Contact the *“City Clerk”* for the Detroit City Council to schedule a date and time for the public hearing in the matter
- Send notice of public hearing to the owners of the property abutting on such alley, or any portion thereof sought to be vacated, and to send notice to any other pertinent parties
- Transmit, as per City of Detroit Ordinance #267-H, §1(58-5-4), 7-5-78, the resolution and a copy of the notice of public hearing together with the petition to the Detroit City Council, the sketch of the alley heretofore mentioned, along with the written report and recommendation from the Community and Economic Development Department to the Detroit City Council

Additionally, all petition signers are fully apprised and keenly aware as per City of Detroit Code 1964, §58-5-4, Ordinance #267-H, §58-5-4, 7-5-78, that once the City of Detroit Law Department returns the petition to vacate *“all effected Alley Passageways”* to the Detroit City Council along with the report and recommendation of the Community and Economic Development Department...

- The Detroit City Council shall by majority decision decide to grant the petition along with the resolution prepared and generated in the manner as prescribed and approved by the City of Detroit Law Department. Such resolution shall contain, among other things, a provision for the retention of an easement for public utility purposes in the designated area(s).

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Moreover, all petition signers are fully apprised and keenly aware as per City of Detroit Ordinance #267-H, §1(58-5-6), 7-5-78; and City of Detroit Ordinance #31-93, §1, 12-1-93, that within thirty (30) days of adoption of the resolution by the Detroit City Council to vacate the designated alley passageway or any portion thereof, the "*City Clerk*" shall...

- Record a certified copy with Wayne County Register of Deeds, send a certified copy to the State of Michigan Treasurer, and shall transmit copies to the City of Detroit Director of Department of Public Works and to the Corporation Council for the City of Detroit, respectively.

Also, all petition signers are fully apprised and keenly aware as per City of Detroit Ordinance #267-H, §1(58-5-7), 7-5-78; and City of Detroit Ordinance #31-93 that upon receipt of a copy of the resolution from the Detroit City Council to vacate an alley passageway ...

- The Law Department of the City of Detroit shall notify the owners of the property abutting on "*all effected Alley Passageways*", or any portion thereof, and to any other pertinent parties that "*all effected Alley Passageways*" of any portion thereof has been officially vacated and converted into an easement of utilities

Likewise, all petition signers are fully apprised and keenly aware as per City of Detroit Ordinance #267-H, §1(58-5-7), 7-5-78; and City of Detroit Ordinance #31-93, §1, 12-1-93 that upon receipt of a copy of the resolution from the Detroit City Council to vacate an alley passageway ...

- The Director of the Department of Public works shall correct the official City of Detroit maps and records.

Correspondingly, all petition signers are fully apprised and keenly aware as per City of Detroit Ordinance #267-H, §1(58-5-7), 7-5-78; and City of Detroit Ordinance #31-93, §1, 12-1-93 that upon receipt of a copy of the resolution from the Detroit City Council to vacate the "*all effected Alley Passageways*" ...

- The Department of Public works shall adjust its municipal refuse collection services accordingly.

Finally, all petition signers are fully apprised and keenly aware as per City of Detroit Ordinance #267-H, §1(58-5-8), 7-5-78, §50-6-5 that ...

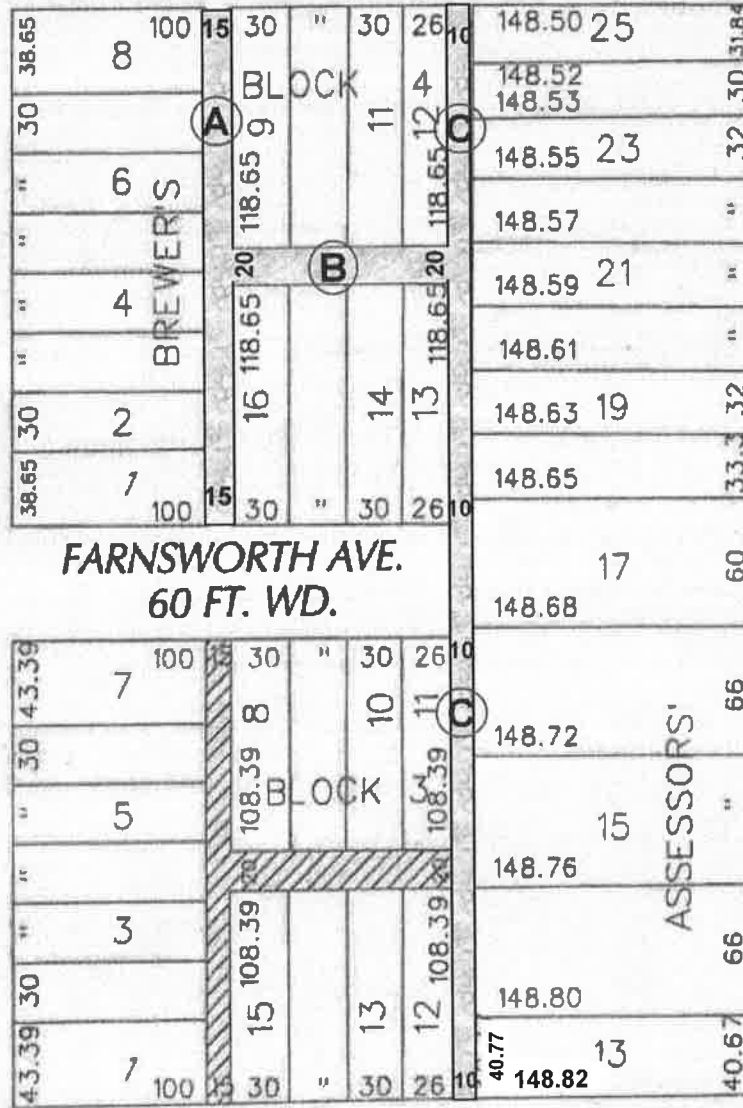
- Nothing in this article shall be construed to limit any regulatory powers possessed by the Detroit City Council with respect to a vacated "*all effected Alley Passageways*", or public place within the boundaries of the City of Detroit

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**FREDERICK AVE. 60 FT. WD.**

**HELEN ST. 60 FT. WD.**



**E. GRAND BLVD. 150 FT. WD.**

**THEODORE AVE. 50 FT. WD.**



- Prior conversion to easement(s)



- Proposed conversion to easement(s)

(FOR OFFICE USE ONLY)

		<b>CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU</b>	
DRAWN BY <b>WLW</b>	CHECKED		
DATE <b>02-20-18</b>	APPROVED		

2019-09-25

**1100**

**1100** *Petition of The El-Beth-El Del Min,  
request to vacate alleys generally  
bounded by Frederick Ave., E. Grand  
Blvd., Helen St., and Theodore Ave.*

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REFERRED TO THE FOLLOWING DEPARTMENT(S)

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DEVELOPMENT DEPARTMENT