



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
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April 8, 2019

Honorable City Council:

RE: Petition No. 639 - Pope Francis Center, request to vacate easements for the property located at 3769 Canfield Street.

Petition No. 639 - Pope Francis Center, request to vacate all remaining easements in the Block bounded by Canfield Avenue, 60 feet wide, Garfield Avenue, 60 feet wide, Ellery Street, 60 feet wide, and Mt. Elliott Avenue, 60 feet wide.

The request is being made to render the parcel of land unencumbered for a future development. The alleys in the block have been previously vacated with subsurface easements and sewer easements. Resolutions previously approved by your Honorable Body include: 1) Alley vacation approved on October 15, 1929 and dedication accepted October 29, 1929. 2) Alleys vacated reserving a sewer easement approved October 9, 1962 on J.C.C. pg. 2331. 3) Alleys vacated reserving a subsurface utility easement approved January 25, 1978 on J.C.C. pgs. 160-162.

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

Detroit Water and Sewerage Department (DWSD) has no objection to the vacation provided certain provisions are met. The DWSD provisions are a part of the attached resolution.

All other involved City departments and privately owned utility companies have reported no objections to the vacation. Provisions protecting the rights of the utilities and the City are a part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

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 all remaining easements in the Block bounded by Canfield Avenue, 60 feet wide, Garfield Avenue, 60 feet wide, Ellery Street, 60 feet wide, and Mt. Elliott Avenue, 60 feet wide; all being land in the City of Detroit, Wayne County, Michigan further described as:

- 1) The east-west alley, 18 feet wide, (converted to subsurface easement January 25, 1978 on J.C.C. pgs. 160-162) lying southerly of and adjoining the southerly line of Lots 1 through 8 , both inclusive, "Gutow's Subdivision of W ½ of southerly 450.50 feet of O.L. 22, Leib Farm" as recorded in Liber 19, Page 64 of Plats, Wayne County Records; also lying southerly of and adjoining the southerly line of Lots 7, 8, 9, and westerly 11.21 feet of Lot 6 "Lambert's Subdivision of a portion of Out Lots 21 and 22 Leib Farm as recorded in Liber 19, page 65 of Plats, Wayne County Records; also lying northerly of and adjoining the northerly line of Lots 1 and 2 "Fischer and Bernart's Subdivision of Part of Lot No. 20 North of Gratiot Avenue of the Subdivision of the Leib Farm" as recorded in Liber 8, Page 48 of Plats, Wayne County Records; also lying northerly of and adjoining the northerly line of Lot 1, and vacated alley adjoining "Schwartz' Subdivision of the northerly 236.20 feet of O.L. 19, Leib Farm, North of Gratiot" as recorded in Liber 16, Page 64 of Plats, Wayne County Records.
- 2) The east-west alley, 20 feet wide, (converted to subsurface easement January 25, 1978 on J.C.C. pgs. 160-162) lying southerly of and adjoining the southerly line of Lots 1 and 2, and lying northerly of and adjoining the northerly line of Lots 3 through 8, both inclusive, "Fischer and Bernart's Subdivision of Part of Lot No. 20 North of Gratiot Avenue of the Subdivision of the Leib Farm" as recorded in Liber 8, Page 48 of Plats, Wayne County Records; also that part of the alley deeded to the City of Detroit, and accepted on October 29, 1929 described as: All that part of Out Lot 21 of the Subdivision of the Leib Farm, between the River and the rear lines of Private Claims as recorded in Liber 45, pages 664, 665, 666 and 667 of Deeds, Wayne County Records described as follows: Beginning at the northeast corner of Lot 8 of "Fischer and Bernart's Subdivision of Part of Lot No. 20 North of Gratiot Avenue of the Subdivision of the Leib Farm" as recorded in Liber 8, Page 48 of Plats, Wayne County Records, thence along the easterly line of said Fischer and Bernarts subdivision, north 25 degrees 49 minutes west 10.00 feet to a point; thence along the southerly line of Lamberts Subdivision heretofore mentioned north 64 degrees east 20.00 feet to a point; thence south 25 degrees 49 minutes east 10.00 feet to a point; thence south 64 degrees west 20.00 feet to the place of beginning.
- 3) The north-south alley, 20 feet wide, (part converted to subsurface easement January 25, 1978 on J.C.C. pgs. 160-162) lying easterly of and adjoining the easterly line of Lots 1, 2, and the north 6.1 feet of Lot 3 "Schwartz' Subdivision of the northerly 236.20 feet of O.L. 19, Leib Farm, North of Gratiot" as recorded in Liber 16, Page 64 of Plats, Wayne County Records; also lying westerly of and adjoining the westerly line Lots 2, and vacated alley adjoining "Fischer and Bernart's Subdivision of Part of Lot No. 20 North of Gratiot Avenue of the

Subdivision of the Leib Farm” as recorded in Liber 8, Page 48 of Plats, Wayne County Records.

- 4) The north-south alley, 18 feet wide (converted to subsurface easement January 25, 1978 on J.C.C. pgs. 160-162) lying easterly of and adjoining the easterly line of Lot 1 and vacated alleys adjoining “Fischer and Bernart’s Subdivision of Part of Lot No. 20 North of Gratiot Avenue of the Subdivision of the Leib Farm” as recorded in Liber 8, Page 48 of Plats, Wayne County Records; also lying westerly of and adjoining the westerly line of the south 62.30 feet of Lot 6 and vacated alley adjoining “Lambert’s Subdivision of a portion of Out Lots 21 and 22 Leib Farm as recorded in Liber 19, page 65 of Plats, Wayne County Records.

Be and the same are hereby vacated (outright) as public rights-of-way/easements to become part and parcel of the abutting property, subject to the following provisions:

PROVIDED, that petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services or granting of private easements for specific utility companies, if necessary, and further

PROVIDED, that the petitioner shall design and construct proposed sewers and to make the connections to the existing public sewers as required by Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed sewers, and further

PROVIDED, that the plans for the sewers shall be prepared by a registered engineer; and further

PROVIDED, that DWSD be and is hereby authorized to review the drawings for the proposed sewers and to issue permits for the construction of the sewers; and further

PROVIDED, that the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

PROVIDED, that the entire cost of the proposed sewers construction, including inspection, survey and engineering shall be borne by the petitioner; and further

PROVIDED, that the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the costs of these services; and further

PROVIDED, that the petitioner shall grant to the City a satisfactory easement for the sewers, and further

PROVIDED, that the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City, and further

PROVIDED, that the petitioner shall provide a one (1) year warranty for the proposed sewers, and further

PROVIDED, that upon satisfactory completion, the sewers shall become City property and become part of the City system. And any existing sewers that were abandoned shall belong to the petitioner and will no longer be the responsibility of the City; and further

PROVIDED, that any construction in the public rights-of-way such as curbs and sidewalks 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.

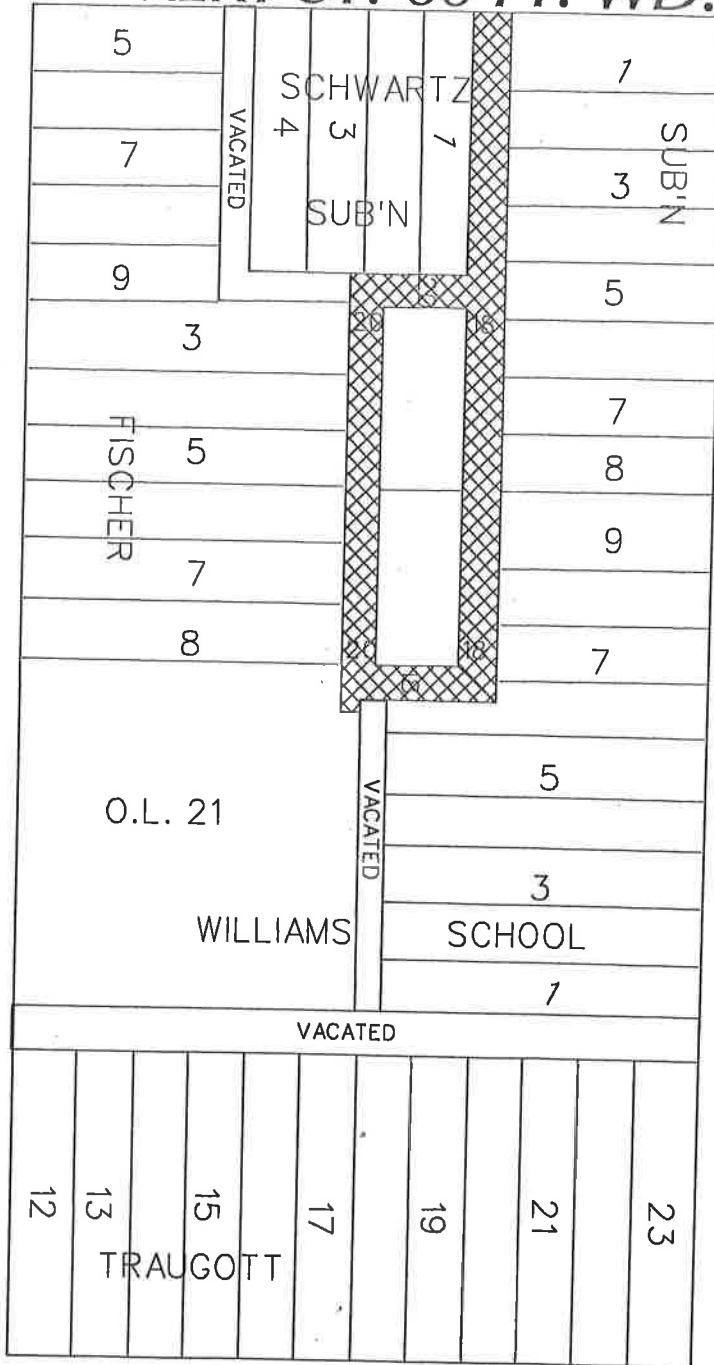
PETITION NO. 639
 POPE FRANCIS CENTER (C/O RXMC CONSULTING, LLC)
 3769 E. CANFIELD ST.
 DETROIT, MICHIGAN 48226
 ROCH X. MCCLAIN
 PHONE NO. (313) 949-3560



ELLERY ST. 60 FT. WD.

CANFIELD AVE. 60 FT. WD.

GARFIELD AVE. 60 FT. WD.



MT. ELLIOTT AVE. 60 FT. WD.



- OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 40 F

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	SA	CHECKED	KSM		
DATE	01-14-19	APPROVED			

REQUEST TO OUTRIGHT VACATE
 VARIOUS PUBLIC ALLEYS, VARIOUS WIDTHS
 BOUND BY
 ELLERY ST., GARFIELD AVE., MT. ELLIOTT AVE.,
 AND CANFIELD AVE.

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 639