

DEPARTMENTAL REFERENCE COMMUNICATION

Monday, May 20, 2019

To: *The Department or Commission Listed Below*

From: *Janice M. Winfrey, Detroit City Clerk*

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.

PLANNING AND DEVELOPMENT DEPARTMENT DPW - CITY ENGINEERING DIVISION

882 *Blacksher J, request to permanently and inperpetuity vacate and convert said grass-overgrown, nonfunctioning, nonfunctional, and non-travelable by motor vehicle traffic alley passengeway from public right-of-way to private property with easement.*

882

PETITION FOR CONVERSION OF ALLEY PASSAGEWAY TO EASEMENT

DETROIT, MI

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

FRIDAY, MAY 17, 2019

SPONSORING PETITIONER

Name: Blacksher, J

Address: 5126 Helen Street

Phone #: 313.897-6543

Honorable City Council of Detroit:

We, the herein undersigned petitioners who reside on the south side of Farnsworth Street bounded by Helen and E. Grand Blvd. and on the north side of Theodore Street bounded by Helen and E. Grand Blvd. abutting an alley passageway, 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 vehicle traffic alley passageway from public “right-of-way” to “private property with easement”**. There are no garage entrances on any property owners’ lots abutting this alley passageway. 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 property abutting said alley passageway.

Lot Nbr.	Signature of Deed Holder	Signature of Co-Owner	Address	Date
<u>15000517-9</u>	<u>Michael Wimberly</u> Wimberly, Michael – Agent, Self Help Unlimited	<u>N/A</u>	<u>7037 Theodore Str.</u>	<u>May 14, 2017</u>
<u>15000522-3</u>	<u>J Blacksher</u> Blacksher, J	<u>N/A</u>	<u>7040 Farnsworth Str.</u>	<u>May 14, 2017</u>

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 of 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
- The alley lights will be removed
- 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 alley passageways; and that the lighting fixtures affected by the vacating will be removed from private property at the expense of the public Lighting Department
- Once approved, the choice to rescind the approved vacated alley passageway is generally irreversible. Division of the alley parcel is guided by the State of Michigan Subdivision Law and Title to the portion of the vacated alley adjacent to any given property owner’s lot vests ownership to that owner (up to the centerline of the alley passageway, if the lots across the alley 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 this division, the cost of the numbers and installation to be borne by the City of Detroit

Theodore Str., between Helen & E. Grand Blvd.

PETITION FOR CONVERSION OF ALLEY PASSAGEWAY TO EASEMENT

DETROIT, MI

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 the alley passageway 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

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 such alley passageway, or any portion thereof, and to any other pertinent parties that the alley passageway 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 an alley passageway ...

- 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 street, alley passageway, or public place within the boundaries of the City of Detroit

2019-05-20

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882 *Petition of Blacksher J. request to permanently and imperpetuity vacate and convert said grass-overgrown, nonfunctioning, nonfunctional, and non-travelable by motor vehicle traffic alley passengeway from public right-of-way to private property with easement.*

REFERRED TO THE FOLLOWING DEPARTMENT(S)

PLANNING AND DEVELOPMENT DEPARTMENT DPW -
CITY ENGINEERING DIVISION