

Janice M. Winfrey
City Clerk

City of Detroit
OFFICE OF THE CITY CLERK

Andre P. Gilbert II
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, October 22, 2020

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

1349 *Detroit Holbrook ICP, LLC, request to vacate easement along Morrow Ave adjacent to Marston Ave, Detroit, MI*

October 1, 2020

The Honorable Detroit City Council
Attn: Office of the Honorable City Clerk
200 Coleman A. Young Municipal Center
Detroit, MI 48226

[Handwritten signature]
1349

**RE: PETITION REQUEST TO VACATE EASEMENT ALONG MORROW AVENUE
ADJACENT TO MARSTON AVENUE, DETROIT, MI**

Dear Honorable City Council President Brenda Jones:

We, Detroit Holbrook ICP, LLC, a Delaware limited liability company, and Holdings Detroit Holbrook, LLC, a Delaware limited liability company, submit this petition request to vacate the easement reserved for utilities for the benefit of the Detroit Water and Sewerage Department and Detroit Edison Company within the right of way of vacated Morrow Avenue and vacated Fordyce Avenue, recorded in LIBER 45803, Page 139 (the "Easement").

We seek to vacate the Easement because we would like the opportunity to construct over the Easement area.

We respectfully request that this request be added to the appropriate City Council Standing Committee agenda as a line item for discussion and subsequent approval pending satisfaction of your Honorable Body's deliberation. Thank you for your time.

Sincerely,

Detroit Holbrook ICP, LLC

By: *Shanika A. Owens*

Its: Attorney Representative

Holdings Detroit Holbrook, LLC

Shanika A. Owens

By: _____
Its: Attorney Representative

Address: c/o Shanika A. Owens
Butzel Long P.C.
150 W. Jefferson Ave., Suite 100
Detroit, MI 48226
Phone Number: 313-225-7000
Email: owens@butzel.com

2007 JAN -3 AM 11:28

J. YOUNGBLOOD
REGISTER OF DEEDS
WAYNE COUNTY, MI

\$12.00 DEED
Receipt #166600
RECORDED
BERNARD J. YOUNGBLOOD, REGISTER OF DEEDS
WAYNE COUNTY, MI
\$6.00 RENONUMENTATION
\$2.00 COPY 660

Department of Public Works
City Engineering Division
May 25, 2006

Honorable City Council:
Re: Petition No. 3523 — American Axle and Manufacturing request for the outright vacation of Vulcan Street, Fordyce Avenue, Marston Avenue and Morrow Avenue.

Petition No. 3523 of "American Axle and Manufacturing" at One Bauch Drive — Detroit, Michigan 48211, request the outright vacated of Morrow Avenue, 66 feet wide, Fordyce Avenue, 50 feet wide, and Vulcan Avenue, 30 feet wide all in the area of the Grand Trunk Railroad right-of-way, Marston Avenue, 66 feet wide, St. Aubin Avenue, 60 feet wide, and Euclid Avenue, 60 feet wide (vacated). This request is for the beautification and safety improvements for American Axle and Manufacturing World Headquarters and Detroit Gear and Axle/Detroit Forge Manufacturing Complex.

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

The Public Lighting Department (PLD) reports no objection to the proposed vacation. However, PLD have street lighting fixtures on Morrow, Fordyce and Vulcan, and will remove the fixtures at no cost to the petitioner after proper notification.

The Detroit Water and Sewerage Department (DWSD) reports no objection to the requested outright vacation provided that a provision DWSD easement is reserved for the water mains and sewers, and the attached provisions for conversion to easement is part of this resolution.

Detroit Edison Company (DTE) reports a cost of \$21,200.00 for the removing and/or rerouting of Electric services. Also gas is involved because DTE have existing gas mains located in all streets to be vacated. DTE have a 12-inch Steel (50 psi) gas main in Morrow, 4-inch C.I. (10 psi) gas main in Fordyce and Vulcan.

DTE request for a private easement to be reserved for DTE's facilities.

All other involved City departments and privately owned utility companies reported no objections or that satisfactory arrangements have been made. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
WILLIAM TALLEY
Head Engineer
City Engineering Division — DPW

By Council Member Tinsley-Tilaba:
Resolved, All that part of Morrow Avenue, 66 feet wide, between Marston Avenue, 60 feet wide and Euclid Avenue, 60 feet wide, (vacated) lying Easterly of and abutting the East line of Lot 1 through 24, both inclusive, and lying Westerly of an abutting the West line of Lots 25 through 48, both inclusive, all in the Wilkin's Subdivision of a Part of 1/4 Sections 58 and 59 10000 Acre Tract, Hamtramck (now City of Detroit) Wayne County, Michigan as recorded in Liber 11 Page 59, Plats, Wayne County Records;

Also, All that part of Vulcan Avenue, 30 feet wide, between Fordyce Avenue, 50 feet wide, and St. Aubin Avenue, 60 feet wide lying Southerly of and abutting the South line of Lots 1 and 153, and the public alley, 15 feet wide, (vacated), and Fordyce Avenue 25 feet wide (vacated) all on December 6, 1995 J.C.C. Pgs. 3099-3107, all in the William Y. Hamlin's Subdivision of Lots 18; and 20 of Holbrook's Subdivision of Quarter Section 42, 10,000 Acre Tract, Hamtramck (now City of Detroit) Wayne County, Michigan as recorded in Liber 9 Page 61, Plats, Wayne County Records; and the East 25.00 feet of Out Lot 21 in the Holbrook Subdivision, and lying Northerly of and abutting the North line of Lots 96 and 97 in the Wilkin's Subdivision of a Part of 1/4 Sections 58 and 59 10000 Acre Tract, Hamtramck (now City of Detroit) Wayne County, Michigan as recorded in Liber 11 Page 59, Plats, Wayne County Records;

STATE OF MICHIGAN) ss. SHORT FORM - TRUE COPY CERTIFICATE
CITY OF DETROIT)

I, Janice M. Winfrey CITY CLERK of the City of Detroit, do

heroby certify that the annexed paper is a True Copy of a Resolution

adopted by the City Council on June 7, 2006

and approved by the Mayor on June 19, 2006
Detroit Legal News, dated June 16, 2006

as appears from the ~~XXXX~~ of said City Council, on file in my office.

DRAFTED BY:
RETURN TO:
MS. Yvette Palmer
2 Woodward Ave.
200 CAYME
DETROIT, MI 48226

IN WITNESS WHEREOF, I have hereunto
Set my hand and affixed the Corporate
Seal of said City, at Detroit, on

January 2, 2007

Janice M. Winfrey
City Clerk

RES 12 6R 2P 0120

LI-45803 Pa-138 207014134 01/03/2007 Bernard J. Youngblood MCROD 11:28AM

County, Michigan as recorded in Liber 14 Page 59, Plats, Wayne County Records:

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

Provided, That a private easement is retained for the Detroit Water and Sewerage Department and Detroit Edison Company (DTE) Gas and Electric, and be it further

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

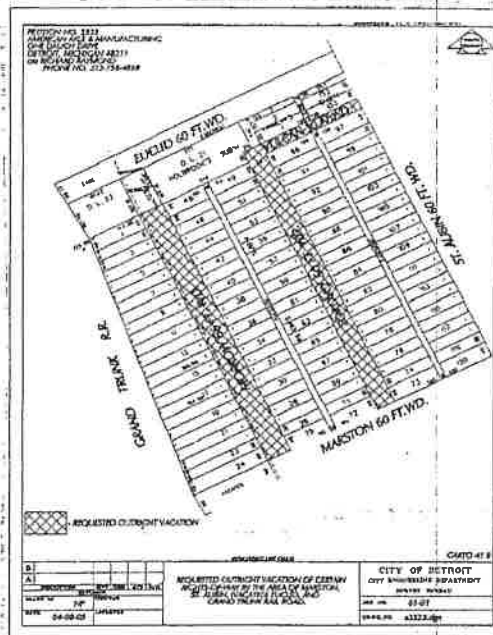
the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, full dozers, cranes, or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer 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 of 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 fences, porches, patios, balconies, etc. shall be built upon or over said easements, or that no grade changes or storage of materials shall be made within said easements, without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, That if at any time in the future, the owners of any lots abutting on said vacated streets shall request the removal and/or relocation of the aforementioned utilities in said easements 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 cost 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.



Adopted as follows:
 Yes — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talbot, Watson, and President K. Cockrel, Jr. — 9.
 Nays — None.

LI-45803 Pa-139

2020-10-22

1349

1349 *Petition of Detroit Holbrook ICP, LLC, request to vacate easement along Morrow Ave adjacent to Marston Ave, Detroit, MI*

REFERRED TO THE FOLLOWING DEPARTMENT(S)

PLANNING AND DEVELOPMENT DEPARTMENT DPW -
CITY ENGINEERING DIVISION