July 23, 2019

Honorable City Council:

RE: Petition No. 1532 — Belief Emaderho request to vacate an alley bordering 19125 Mapleview.

Petition No. 1532 — Belief Emaderho request to vacate and convert to easement the east half of the east-west alley, 20 feet wide, in the block of East Seven Mile Road, 66 feet wide, Lappin Avenue, 60 feet wide, Schoenherr Road, 66 feet wide, and Mapleview Avenue, 60 feet wide.

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

The request is being made to provide additional parking for the Osborn Business Center and Pharmacy.

The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW, and City Engineering - DPW.

Detroit Water and Sewerage Department (DWSD) has no objection to the conversion to easement. The specific DWSD provisions for easements are included in the resolution. DTE Energy reports having services in the area. A provision to maintain access to DTE facilities is a part of the resolution.

All other involved City Departments, and privately owned utility companies have reported no objections to the conversion of the public right-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

Richard Doherty, P.E., City Engineer
City Engineering Division – DPW

/JK
Cc: Ron Brundidge, Director, DPW
    Mayor’s Office – City Council Liaison
RESOLVED, that the east half of the east-west alley, 20 feet wide, in the block of East Seven Mile Road, 66 feet wide, Lappin Avenue, 60 feet wide, Schoenherr Road, 66 feet wide, and Mapleview Avenue, 60 feet wide; Further described as land in the City of Detroit, Wayne County, Michigan being:

The east-west alley, 20 feet wide, lying northerly of and adjoining the northerly line of Lots 12 through 16, both inclusive, and the east 2.50 feet of Lot 17 also lying southerly of and adjoining the southerly line of Lot 153 “Maple View Park Subdivision of part of the W. ½ of the S.W. ¼ Section 1, T.1S.,R.12E. Gratiot Township and City of Detroit, Wayne County, Michigan” as recorded in Liber 57, Page 76 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public right-of-way and converted into a private easement for public utilities of the full width of the right-of-way, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said right-of-way and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public right-of-way in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

Second, said utility easement or right-of-way in and over said vacated alley herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned task, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fences or gates), shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division – DPW,

Fourth, that if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement; such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,
Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and

Provided, that the property owners maintain for DTE Energy, full access to their facilities at all times (i.e. gated access with DTE locks at all ends of the easement) and that free and easy access to the DTE facilities is reserved for DTE equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of DTE facilities, and further

Provided, that an easement, the full width of the existing rights-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, bull 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 porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, that if any time in the future, the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement 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 costs 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 if it becomes necessary to remove the paved alley return at the entrance (into Mapleview Avenue) such removal and construction of new curb and sidewalk 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. 1532
BELIEF EMADAMERHO
19125 MAPLEVIEW ST.
DETOIT, MICHIGAN 48205
PHONE NO. 313 218-1786

LAPPIN AVE. 60 FT. WD.

SHOENNERR RD. 66 FT. WD.

MAPLEVIEW AVE. 60 FT. WD.

E. 7 MILE RD. 66 FT. WD.

CONVERSION TO EASEMENT

REQUEST TO CONVERT TO EASEMENT
A PORTION OF THE EAST/WEST
PUBLIC ALLEY, 20 FT. WD.
IN THE BLOCK BOUND BY
LAPPIN, MAPLEVIEW AVE., SHOENNERR
AND E. 7 MILE RD.

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU

JOB NO. 01-01
DRWG.NO. X 1532

FOR OFFICE USE ONLY

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DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, April 12, 2017

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

1532 Belief Emadamerho, request to to vacate alley bordering 19125 Mapleview.
April 12, 2017

The Honorable City Council, City of Detroit

Attn: City Clerk & Building Safety Engineering & Environmental Dept. (BSEED)

CAYMC

Detroit, MI 48226

RE: Request to Vacate Alley bordering 19125 Mapleview & Accessory Parking for Property & Petition # Generated for DPW

Dear City of Detroit & Appropriate Departments:

The petitioner Mr. Belief Emadamerho, Greatness, LLC, Owners of Pharmacy 4 Less, incorporated in 2011 based on the desire to better serve the community with the Osborn Business Center, Pharmacy to Dispense and Deliver Medication to the elders and low income individuals without transportation we submit the following.

We seek to build on the property located at 13641 E. 7 Mile Rd., Detroit, MI, 48205 to further improve the outlook, condition, and lives of residents in the Osborn Community. In order to do such we need to purchase the Lot at 19125 Mapleview, which was originally zoned as Residential at Present, but no longer possess a residence on the property, as it was demolished years ago. The purpose is to have adequate parking, thus we Seek “Accessory Parking” & Vacation of One (1) Bordering Alleys, after researching and meeting with key city staff of BSEED, which we are appreciative of their service and availability.

Belief Emadamerho, Owner and Resident Pharmacist, who is also a Founding Member of the Osborn Business Association (OBA) a Division of the Osborn Neighborhood Alliance (ONA), has over 20 years of experience as a practicing licensed Pharmacist in the Underserved/Low Income community. He seeks to serve and close the gap between pharmacist and the patients they serve.

Until recently, most Pharmacies are stand-alone entities and as such, patients must go to a separate facility to see a doctor before forwarding their prescription to the pharmacy of their choice. The business concept of greatness, LLC is to provide a facility, The Osborn Center that will have a “One-Stop” capability such as In House-Doctor, Pharmacy, Business Center, and Youth Entrepreneurship Training Center to serve the Osborn Community. We desire to change the perception and outlook about the Osborn Community.

Our expansion plan will include properties and land on 13641 E. 7 Mile Rd., 13619 E. 7 Mile Rd. and 19125 Mapleview, all of which are in Detroit, MI, 48205. The combined properties which shall have a alley in between is meant to house the Osborn Center and Parking Lot. The alley require a “Vacation Of Alley” which of course would be maintained within the said
property and release the City of Detroit from the liability of maintaining the alleys, which have been maintained lately by Mr. Belief Emedamerho & ONA in clean-up projects.

We need the alley vacated because it would be beneficial to our ever increasing customers in the aspect of both vehicular and pedestrian traffic around the business complex. This will afford vehicular movement in and out of the complex. It would also ease traffic around the neighboring gas station.

Lastly, We Seek a Hearing before City Council, if necessary, and would be grateful for approval from all appropriate departments in this land acquisition. Further, that the 19125 Mapleview at present does not produce property tax for the City of Detroit, thus serve as a liability unto the City of Detroit, and we seek to remove from City Land Bank and/or City Building Authority where appropriate.

Sincerely Yours,

[Signature]

Mr. Belief Emedamerho

Owner, Greatness, LLC & Pharmacy 4 Less
Petition of Belief Esmadameh, request to vacate alley bordering 19235 Maplevue.