

Item Number: 20



CITY OF GRAND RAPIDS AGENDA ACTION REQUEST

DATE: July 16, 2024

TO: Mark Washington, City Manager

COMMITTEE: Community Development Committee

LIAISON: Mary Kate Berens, Deputy City Manager

FROM: Tim Burkman, City Engineer
Engineering

SUBJECT: **Resolution consenting to the Vacation of Division Avenue Alley
from Wealthy Street to Goodrich Street**

The above-captioned vacation request was made by Dwelling Place of Grand Rapids Nonprofit Housing Corporation, and other adjacent property owner in connection with a private drive and parking lot.

The request has been circulated to affected City departments and public utility companies and there are no objections. The City will preserve a Utility Easement in connection with existing City facilities that will remain in the portion of Division Avenue Alley that is to be vacated. Additional utility easements and/or relocation will be required or preserved for electric, gas, and communication utilities.

A budget request in the Capital Improvement Fund will be presented to the Fiscal Committee at a future date to recognize an escrow fund deposit from Dwelling Place of Grand Rapids Nonprofit Housing Corporation in connection with this vacation request.

The attached resolution provides for the City's consent to the vacation of Division Avenue Alley, with conditions.

cc: Paula Grivens-Jastifer
Elizabeth Joy Fossell
James Hurt
Kristin Turkelson
John Bartlett

Your COMMUNITY DEVELOPMENT COMMITTEE recommends the adoption of the following resolution consenting to the vacation of Division Avenue Alley from Wealthy Street to Goodrich Street.

WHEREAS, a request has been received from Dwelling Place of Grand Rapids Nonprofit Housing Corporation (the Petitioner), for the vacation of Division Avenue Alley from Wealthy Street to Goodrich Street described as:

Public Right-of-Way to be Vacated
Approximate property address: 359 Division Avenue S.

Wealthy Street (width varies) to Goodrich Street (66 feet wide) Block 4 of Ellsworth's Addition to the City of Grand Rapids, Kent County, Michigan according to the plat thereof recorded in Liber 1 of Plats, Page 25, Kent County Records. Containing 4,218 square feet, more or less; therefore

RESOLVED:

1. That all reports of all interested parties being favorable, the City Commission consents to the aforesaid vacation of Division Avenue Alley from Wealthy Street to Goodrich Street subject to the following conditions; and
2. That the Petitioner provides to the City utility easements for existing and future utilities in vacated Division Avenue Alley from Wealthy Street to Goodrich Street. The grade of the area encumbered by the easement and the grade of the existing improvements located thereon shall not be changed without prior written approval of the City. The Petitioner shall not place any structures within the easement area; and
3. The Petitioner shall direct flow of through traffic One Way from North, entering the vacated alley at Goodrich Street SW and exit the vacated alley at Wealthy St SW on the South in accordance Mobile GR Department requirements; and
4. That the Petitioner provides to Consumers Energy Company, Michigan Consolidated Gas Company, AT&T and/or Comcast easements, as necessary for existing and future facilities or pays for the relocation of said utilities in the area to be vacated in Division Avenue Alley from Wealthy Street to Goodrich Street. Said easements will be subservient to the City of Grand Rapids' interests with respect to the operation, maintenance, repair, replacement, improvement or enlargement of any existing City underground utilities; and
5. That the Petitioner causes to be completed an amended plat, conforming to state requirements, of the area affected by this vacation request, the cost of which is estimated to be \$2,500.00; and
6. That Petitioner deposits the amount of \$7,500.00, to be held in escrow by the City. Said amount includes the estimated cost of \$5,000.00 for engineering administrative fees. The City shall hold said escrow amount until such time as the amended plat

requirement in Item 5 has been completed. When said amended plat has been completed and accepted by the City, any such monies remaining in the escrow account will be returned to the Petitioner. The engineering administrative fees shall be charged to the escrow account. If, after a reasonable length of time, the said amended plat requirement outlined in Item 5 has not been completed, the City may use the money held in escrow to accomplish the same. If any additional costs are incurred by the City in connection with the aforesaid amended plat requirement, inspection fees and engineering administrative fees, which exceed the escrow amount of \$7,500.00, the Petitioner will be responsible to reimburse the City for said costs; and

7. That Petitioner shall deliver a recorded copy of the court judgment regarding the aforesaid vacation of Division Avenue Alley from Wealthy Street to Goodrich Street to the City Attorney's office; and
8. That the City Clerk is hereby authorized and directed to record this resolution with the Kent County Register of Deeds

CORRECT IN FORM

DEPARTMENT OF LAW