

**Department of Public Works  
City Engineering Division**

August 28, 1997

Honorable City Council:

Re: Petition No. 1911, Barrick Cold Storage & Warehousing, Inc.  
Location: 1921 E. Ferry, Petition No. 1847 Schlafer Iron and Steel, Location: 1950 Medbury, Street and Alley Vacations in the area generally bounded by the Grand Trunk Railroad, St. Aubin, E. Ferry and Harper.

Petition No. 1911 of "Barrick Cold Storage & Warehousing, Inc." together with Petition No. 1847 of "Schlafer Iron & Steel Company" requests the conversion of certain public streets and alleys in the area generally bounded by the Grand Trunk Railroad, St. Aubin, E. Ferry and Harper Avenues into private easement(s) for public utilities. Additionally, "Schlafer Iron & Steel Company" requests the outright vacation of one part of Roby Street, 50 feet wide, between E. Ferry and Medbury Avenues to install and maintain a permanent metal shredder system. City Council approved the sale of city owned property (about 2.06 acres) to "Schlafer Iron & Steel" on June 26, 1996 (J.C.C. page 1386).

The petitions were referred to the City Engineering Division — DPW by the Planning and Development Department for investigation (utility clearances) and report. This is our report:

Solid Waste Division — DPW and Traffic Engineering Division — DPW approved the public street and alley closings.

If it becomes necessary to remove the street and alley return entrances (into E. Ferry, Harper and/or St. Aubin Avenues), "Barrick Cold Storage" and/or "Schlafer Iron & Steel", the abutting owners, will pay all incidental removal costs.

Ameritech/Michigan Bell Telephone Company, Comcast Cablevision, Detroit Edison Company, Michigan Consolidated Gas Company (MCG), Water and Sewerage Department (DWSD), and Public Lighting Department reported facilities in the area generally bounded by the Grand Trunk Railroad, St. Aubin, E. Ferry and Harper Avenues.

The petitioner(s) made arrangements with MCG and DWSD to cut and cap gas and water mains within the development site.

City departments and privately owned utility companies reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI,  
City Engineer

By Council Member Ravitz:

Resolved, All that part of Roby Street, 50 feet wide, between E. Ferry and Medbury Avenues lying westerly of and abutting the west line of the north 13.46 feet of Lot 18, the south 17.54 of Lot 8, and Lots 9 thru 17 of "The Trio Subdivision between Ferry and Medbury", St. Aubin Farm, Detroit, Wayne County, Michigan as recorded in Liber 23, Page 30, Plats, Wayne County Records; also lying easterly of and abutting the east line of the westerly 346.36 feet of the northerly 278.85 feet of Out Lot 31; also lying easterly of and abutting the east line of the westerly 346.36 feet of the southerly 21.15 feet of Out Lot 32 of the "plat of the Subdivision of Private Claim 90 by Heirs of James Witherell," City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 2, Deeds, Wayne County Records; (parts of said public street having been opened by City Council on June 27, 1911 — J.C.C. page 1070);

Be and the same is hereby vacated (outright) as a public street to become part and parcel of the abutting property; subject to the following provision(s):

Provided, That before any construction shall be permitted within the vacated (outright) part of public street, mentioned above, the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. The building plans shall include the following engineering details as required by DWSD:

"Schlafer Iron & Steel", the abutting owners, and/or their contractors shall cut and cap the existing 8 inches diameter water main in Roby Street between E. Ferry and Medbury Avenues; also the existing 8-inches diameter water main in Medbury Avenue between Roby Street and St. Aubin Avenue; also

All costs related to the cut-cap of abandoned water main(s), including inspection and permits, shall be borne by "Schlafer Iron and Steel" at no cost to DWSD; and be it further

Resolved, All that part of Roby Street, 50 feet wide, between E. Ferry and Medbury Avenues lying westerly of and abutting the west line of the east 5.00 feet of Lot 23; lying westerly of and abutting the west line of the east-west public alley (20 feet wide; first south of Medbury Avenue, and west of St. Aubin Avenue); also lying westerly of and abutting the west line of Lot 39 of the "Subdivision of Out Lot 58, St. Aubin Farm P.N. Sometimes called Yeman's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 80, Plats, Wayne County Records; (parts of said

public street having been opened by City Council on September 11, 1917 — J.C.C. page 1184); also lying westerly of and abutting the west line of the north 12.46 feet of Lot 8, and Lots 1 thru 7 of "The Trio Subdivision of part of Out Lot 55, St. Aubin Farm, between Ferry and Medbury", City of Detroit, Wayne County, Michigan as recorded in Liber 23, Page 30, Plats, Wayne County Records; also lying easterly of and abutting the east line of the westerly 346.36 feet of the southerly 9.27 feet of Out Lot 33; also lying easterly of and abutting the east line of the westerly 346.36 feet of the northerly 450.85 feet of Out Lot 32 of the "plat of the Subdivision of Private Claim 90 by Heirs of James Witherell," City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 2, Deeds, Wayne County Records; (parts of said public street having been opened by City Council on June 27, 1911 — J.C.C. page 1070); also

All that part of Roby Street, 50 feet wide, between E. Ferry and Medbury Avenues lying westerly of and abutting the west line of south 15.54 feet of Lot 18, and Lots 19 thru 22 of "The Trio Subdivision of part of Out Lot 55, St. Aubin Farm, between Ferry and Medbury", City of Detroit, Wayne County, Michigan as recorded in Liber 23, Page 30, Plats, Wayne County Records; also lying westerly of and abutting the west line of Lots 9 thru 14; also lying westerly of and abutting the west line of the east-west public alley (20 feet wide; first north of E. Ferry Avenue, and west of St. Aubin Avenue); also lying westerly of and abutting the west line of Lot 8 of "Ford Starring's Subdivision of the N. 318.33 feet of Out Lot 54, St. Aubin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 24, Plats, Wayne County Records; also lying easterly of and abutting the east line of the westerly 346.36 feet of the southerly 193.15 feet of Out Lot 31; also lying easterly of and abutting the east line of the westerly 346.36 feet of the northerly 255.91 feet of Out Lot 30 of the "plat of the Subdivision of Private Claim 90 by Heirs of James Witherell," City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 2, Deeds, Wayne County Records; (part of said public street having been opened by City Council on December 6, 1910 — J.C.C. pages 1759-60); also

All of the remaining part of Medbury Avenue, 60 feet wide, between St. Aubin Avenue and the Grand Trunk Railroad lying southerly of and abutting the south line of Lot 17; also lying southerly of and abutting the south line of the north-south public alley (20 feet wide; west of St. Aubin Avenue between Medbury and Harper Avenues); also lying southerly of and abutting the south line of Lots 19 thru 22 of the "Subdivision of Out Lot 58, St.

Aubin Farm P.N. Sometimes called Yeman's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 80, Plats, Wayne County Records; also lying southerly of and abutting south line of the easterly 25.00 feet of the northerly 343.00 feet of the southerly 412.27 feet of Out Lot 33 of the "plat of the extension of Endicott (Now Medbury) and Harper Avenues on Out Lot 33, Witherell Farm, and Out Lot 58, St. Aubin Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 23, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lot 28; also lying northerly of and abutting the north line of the north-south public alley (20 feet wide and variable width; in the block bounded by Roby Street, St. Aubin, E. Ferry, and Medbury Avenues); also lying northerly of and abutting the north line of Lots 23 thru 27 of the "Subdivision of Out Lot 58, St. Aubin Farm P.N. Sometimes called Yeman's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 80, Plats, Wayne County Records; also lying northerly of and abutting the north line of the easterly 25.00 feet of the southerly 9.27 feet of Out Lot 33 of the "plat of the extension of Endicott (Now Medbury) and Harper Avenues on Out Lot 33, Witherell Farm, and Out Lot 58, St. Aubin Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 23, Plats, Wayne County Records; also

All of the remaining east-west public alley, 20 feet wide, west of St. Aubin Avenue between Medbury and Harper Avenues lying southerly of and abutting the south line of Lots 1 thru 5; also lying northerly of and abutting the north line of Lots 19 thru 22 of the "Subdivision of Out Lot 58, St. Aubin Farm P.N. Sometimes called Yeman's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 80, Plats, Wayne County Records; also

All of the remaining north-south public alley, 20 feet wide, west of St. Aubin Avenue between Medbury and Harper Avenues lying westerly of and abutting the west line of the south 13.00 feet of Lot 6, and Lots 7 thru 17; also lying easterly of and abutting the east line of Lot 5; also lying easterly of and abutting the east line of the east-west public alley (20 feet wide; west of St. Aubin Avenue between Medbury and Harper Avenues); also lying easterly of and abutting the east line of Lot 18 of the "Subdivision of Out Lot 58, St. Aubin Farm P.N. Sometimes called Yeman's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 80, Plats, Wayne County Records; also

All of the remaining east-west public alley, 20 feet wide, first south of Medbury

Avenue between Roby Street and St. Aubin Avenue lying southerly of and abutting the south line of the east 5.00 feet of Lot 23, and Lots 24 thru 27; also lying northerly of and abutting the north line of Lots 36 thru 39 of the "Subdivision of Out Lot 58, St. Aubin Farm P.N. Sometimes called Yeman's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 80, Plats, Wayne County Records; also

All of the east-west public alley, 20 feet wide, first north of E. Ferry Avenue between Roby Street and St. Aubin Avenue lying southerly of and abutting the south line of Lot 9; also lying southerly of and abutting the south line of the north-south public alley (20 feet wide and variable width; in the block bounded by Roby Street, St. Aubin, E. Ferry, and Medbury Avenues); also lying southerly of and abutting the south line of Lot 20; also lying northerly of and abutting the north line of Lots 1 thru 8 of "Ford Starring's Subdivision of the N. 318.33 feet of Out Lot 54, St. Aubin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 24, Plats, Wayne County Records; also

All of the remaining north-south public alley, 20 feet wide and variable width, in the block bounded by Roby Street, St. Aubin, E. Ferry, and Medbury Avenues lying westerly of and abutting the west line of Lots 28 thru 35; also lying easterly of and abutting the east line of Lot 27; also lying easterly of and abutting the east line of the east-west public alley (20 feet wide; first south of Medbury Avenue between Roby Street and St. Aubin Avenue); also lying easterly of and abutting the east line of Lot 36 of the "Subdivision of Out Lot 58, St. Aubin Farm P.N. Sometimes called Yeman's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 80, Plats, Wayne County Records; also lying westerly of and abutting the west line of easterly 100.00 feet of Out Lot 55; also lying easterly of and abutting the east line of Lots 1 thru 22 of "The Trio Subdivision of part of Out Lot 55, St. Aubin Farm, between Ferry and Medbury", City of Detroit, Wayne County, Michigan as recorded in Liber 23, Page 30, Plats, Wayne County Records; (part of said public alley having been opened by City Council on September 1, 1903 — J.C.C. page 852); also lying westerly of and abutting the west line of Lots 15 thru 20; also lying easterly of and abutting the east line of Lots 9 thru 14 of "Ford Starring's Subdivision of the N. 318.33 feet of Out Lot 54, St. Aubin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 24, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alleys and are hereby converted into a private easement for

public utilities of the full width of the streets and alleys, 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 streets and alleys 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 streets and alleys 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 street or alley 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 streets and alleys 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 tasks, 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 fence; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) 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 streets and alleys 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 further

Provided, That if it becomes necessary to remove the paved street and alley return(s) at their entrance(s) (into E. Ferry, Harper and/or St. Aubin Avenues), 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 "Barrick Cold Storage" and/or "Schlafer Iron & Steel", the abutting owner(s), their heirs 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.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 8.

Nays — None.

#### Department of Public Works City Engineering Division

September 4, 1997

Honorable City Council:

Re: Petition No. 2811, McDonald's Corporation Alley to Vacation part of the east-west public alley in the block bounded by Ashton, Southfield Freeway, Van Buren and Joy Road.

Petition No. 2811 of "McDonald's Corporation" requests the (outright) vacation of a westerly part of the east-west public alley, 20 feet wide, in the block bounded by Ashton Avenue, Southfield Freeway, Van Buren Avenue and Joy Road.

The request was approved by Solid Waste Division — DPW and Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division-DPW for investigation (utility review) and report. This is our report:

Michigan Department of Transportation (M-DOT) reported no objections to the public alley vacation near a M-DOT pump house at the Southfield Freeway.

Ameritech/Michigan Bell Telephone Company, Comcast Cablevision, Detroit Edison Company, and the Public Lighting Department reported overhead facilities in the public alley. Satisfactory arrangements (to relocate poles and overhead wires from the western part of public alley) are complete. Also, "McDonald's" must submit building plans to Water and Sewerage Department (DWSD) for review

and approval of DWSD facility adjustments.

"McDonald's" has paid the following city reimbursement costs:

Public Lighting Department [PLD]—  
Accounting:

\$5,000.00 — Treasurer Deposit No. 403352;

The estimated cost to remove and reroute the PLD poles and guy wire(s) is \$5,000.00.

All other city departments and privately owned utility companies have reported no objections to the requested. (outright) vacation. Provisions to protect the remaining public sewer are part of the vacating resolution.

"McDonald's" development plans include the use of one paved public alley return into the Southfield Freeway service drive. "McDonald's" will pay all expenses to remove the paved public alley return (into Ashton Avenue) whenever discontinuance of use makes removal necessary; subject to city specifications, permits and inspection.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI,

City Engineer

By Council Member Ravitz:

Resolved, All that part of the east-west public alley, 20 feet wide, in the block bounded by Ashton Avenue, Southfield Freeway, Van Buren Avenue and Joy Road lying southerly of and abutting the south line of the western 12.00 feet of Lot 45, and Lots 40 thru 44; also lying northerly of and abutting the north line of Lot 145 of "Mondale Park a Subdivision of part of the East Half of the Northeast Quarter of Section 2, Town 2 South, Range 10 East, Dearborn Township," City of Detroit, Wayne County, Michigan as recorded in Liber 49, Page 15, Plats, Wayne County Records;

Be and the same is hereby (outright) vacated as (part of a) public alley to become part and parcel of the abutting property; subject to the following provision(s):

Provided, That before any construction shall be permitted within the vacated (outright) western part of public alley, mentioned above, the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. The building plans shall include the following engineering details as required by DWSD:

(1) "McDonald's Corporation" and/or their contractors shall bulkhead the existing 12-inches diameter sewer within said western part of the east-west public alley, 20 feet wide, in the block bounded by