

City Planning Commission

November 19, 1997

Honorable City Council:

Re: Request of Dana Container, Inc. (Petition #2875) to "vacate and convert into private easement for public utilities" Sloman Avenue (50 feet wide and 240 feet long) just east of Russell Street (Recommend Approval).

The petitioner, Dana Container, Inc., is requesting to vacate and convert into a private easement Sloman Avenue, just east of Russell, to allow the company to square off its property. This section of Sloman Avenue is a dead end street that measures 50 feet wide by 240 feet long (please see Attachment A for a map showing the location of the site).

For the last 6 years, Dana Container, Inc., a national company that chemically cleans paint tanks, has operated a warehouse on the east-side of Russell just north of Sloman Avenue. The company recently constructed a building addition at the eastern rear yard of its property and purchased vacant land south of its facility along Caniff Avenue for employee/truck parking and storage. Dana now owns all of the land surrounding Sloman Avenue and is requesting that the street be vacated so the company can create a contiguous fenced-in parcel, giving it more space for parking and storage.

About 3 years ago when the City hard-surfaced Russell Street, the City placed no curb-cut at Sloman Avenue. It appears the City, at the time, felt that the street served no purpose, and since then, Dana has fenced-in the entrance to Sloman Avenue from Russell Street to prevent illegal dumping.

The subject location is surrounded by industrial uses to the north, railroad tracks to the east, Caniff Avenue to the south (with vacant land and houses beyond), and a Detroit Edison facility across Russell to the west. The subject section of Sloman Avenue is a dead end that provides no vehicular or pedestrian access to any other properties.

Since the street closing would not disrupt vehicular or pedestrian circulation, and since the closing would allow an existing Detroit business to square off its property giving it more space for parking/storage, the City Planning Commission staff recommends approval of the "vacation" of Sloman Avenue just east of Russell Street.

Respectfully submitted,

MARSHA S. BRUHN

Director

CHRISTOPHER J. GULOCK

Staff

**Department of Public Works
City Engineering Division**

November 12, 1997

Honorable City Council:

Re: Petition No. 3059 & 2875 Dana Container, Inc. Street and Alley to Easement remaining part of Sloman and east-west public alley north of Sloman, east of Russell

Petition No. 2875 of "Dana Container, Inc." requests the conversion of the remaining part of Sloman Avenue, 50 feet wide, east of Russell Street into a private easement for public utilities.

Petition No. 3059 of "Dana Container, Inc." requests the conversion of the remaining part of the east-west public alley, 16 feet wide, north of Sloman Avenue and east of Russell Street into a private easement for public utilities.

The petitions were referred to the City Engineering Division-DPW for investigation (utility review) and report. This is our report:

The requested street and alley closings were approved by Solid Waste Division - DPW, and Traffic Engineering Division - DPW.

"Dana Container, Inc." plans to use the paved street and alley return entrances (into Russell Street) and requests such remain in their present status. "Dana Container, Inc." shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

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

City Engineering Division, DPW

By Council Member Hill:

Resolved, All of the remaining part of Sloman Avenue, 50 feet wide, east of Russell Street lying southerly of and abutting the south line of Lots 91 thru 98; also lying northerly of and abutting the north line of Lots 83 thru 90 of "Oak Park Adolph Solmon's Subdivision of a portion of Quarter Section 23, Ten Thousand Acre Tract, Hamtramck," City of Detroit, Wayne County, Michigan as recorded in Liber 13, Page 34, Plats, Wayne County Records; also

All of the remaining part of the east-west public alley, 16 feet wide, north of Sloman Avenue and east of Russell Street lying southerly of and abutting the south line of Lots 114 thru 121; also lying northerly of and abutting the north line of Lots 91 thru 98 of "Oak Park Adolph Solmon's Subdivision of a portion of Quarter Section 23, Ten Thousand Acre Tract, Hamtramck," City of Detroit, Wayne County, Michigan as recorded in Liber 13, Page 34, Plats, Wayne County Records;

Be and the same are hereby vacated as a public street and alley and are hereby converted into a private easement for pub-

lic utilities of the full width of the street and alley, 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 street and alley 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 street and 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 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 street and 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 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 includ-

ing, 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 street and/or 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 further

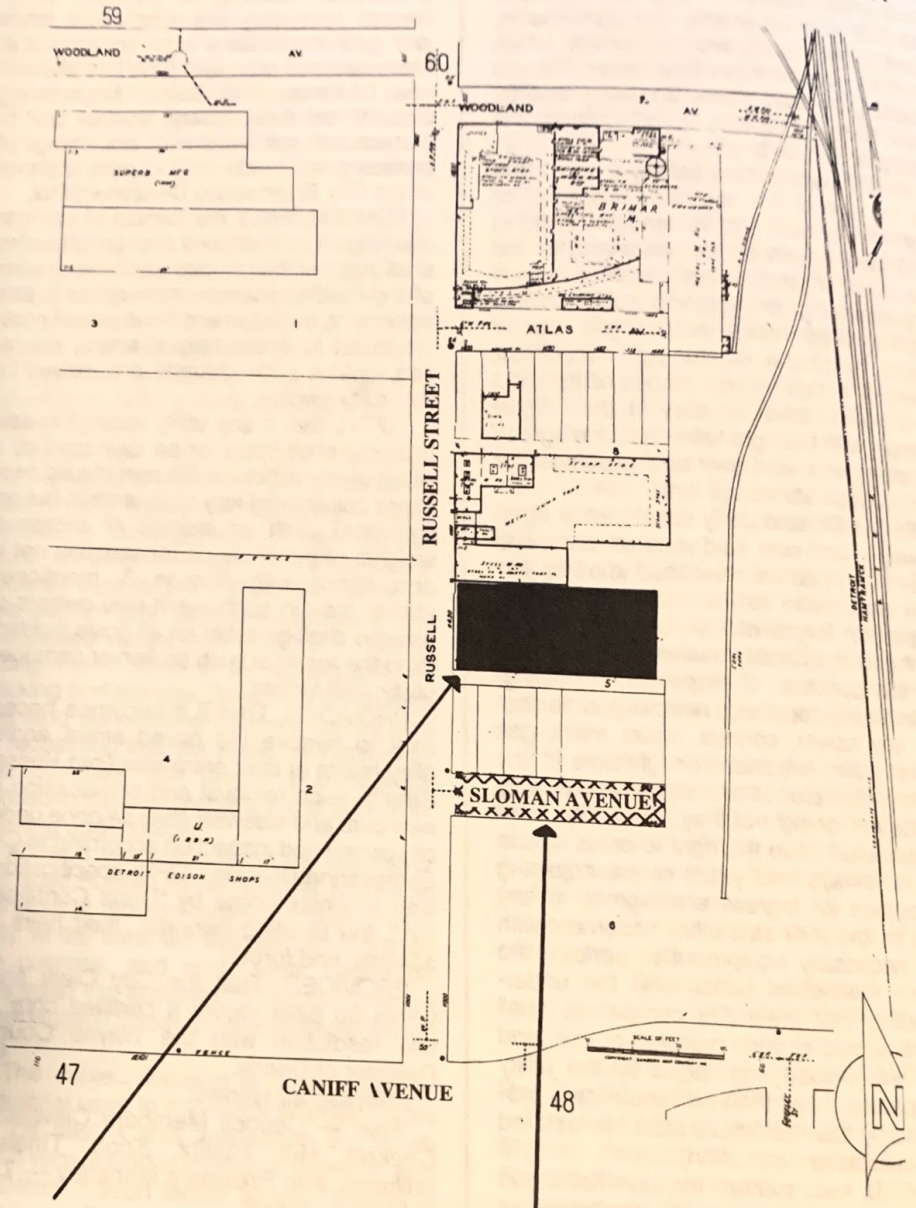
PROVIDED, That if it becomes necessary to remove the paved street and/or alley return at their entrances (into Russell Street), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division - DPW specifications with all costs borne by "Dana Container, Inc.", 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, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 7.

Nays — None.



THE LOCATION OF DANA CONTAINER, INC

THE PROPOSED STREET VACATION

City Planning Commission

November 17, 1997

Honorable City Council:

Re: Detroit Wayne County Stadium Authority (#3680), Request for temporary closing of Public Rights-of Way in the Stadia project area during the 40 month construction period for two stadiums (Recommend Approval for 12 Months With Conditions)

The petitioner, the Detroit Wayne County Stadium Authority, is requesting the temporary closing of public rights-of way in the stadia project area during the 40 month construction period for the two proposed stadiums (see attached map).

Temporary closing permits for construction are customarily handled "over the counter" by the Department of Public

Works (DPW) Engineering Division and are usually for a period of 30-90 days, which can be extended. The type of closure being requested is different from a temporary vacation in that the street is not legally closed, only temporarily blocked by construction barricades. In this case, because of the extent of the closings and the length of time requested, DPW has requested that your Honorable Body pass a resolution approving the closings. The City Engineering Division has issued a thirty (30) day temporary closing permit to allow construction contractors to erect barricades around buildings to be demolished and utilities to be relocated in the proposed stadium area.

The process for permanently closing and vacating the streets for the proposed