

**Department of Public Works
City Engineering Division**

April 22, 2005

Honorable City Council:

Re: Petition No. 1916 (revision) —
Sherwood Food Distributors, request
to close Hildale Ave. between
Sherwood and Filer Ave.

Petition No. 1916 of "Sherwood Food Distributors", 18615 Sherwood Ave., Detroit, Michigan 48235, was previously denied by your Honorable Body, March 7, 2001; J.C.C. Pg. 681. During the past four (4) years the City of Detroit through the Detroit Economic Development Department (DEGC) and the Mayors Office has had continued dialog with Sherwood Food Distributors, as well as the other adjacent property owners, Central Screw Product, Voss Lantz Steel Company and REO Hydro-Pierce, Inc.

As a result of the conversations between the City of Detroit, Sherwood Food Distributors and the other adjacent businesses to remain at this site, we now come before you with a revised request to vacate (outright) the portion of Hildale Avenue between the Railroad right-of-way and Sherwood Avenue, and the Temporary Closing of the remaining portion of Hildale between the Railroad right-of-way and Filer Street, in order that Sherwood Food Distributors may expand its existing facilities, over the easterly portion of Hildale and the westerly end would be gated, so as to, secure the area and prevent illegal dumping.

The expansion project that is currently being considered is an approximate capital investment of \$6 million dollars with an additional \$2 million dollars of new equipment. By Sherwood Food Distributors expanding their warehousing facility by 40,000 square feet, this will allow the company to consolidate its inventory at one location, to expand its product line to meet the needs of its customers, and to add dock space. The company is currently utilizing costly storage trailers and outside storage facilities to help manage its day-to-day needs.

Sherwood Food Distributors has been in the Detroit community for more than 46 years. Established in 1959 as Regal Packing near the Eastern Market district, the company moved to its present location at 18615 Sherwood Avenue, Detroit in 1985. This facility supplies fresh and frozen food products to a vast array of customers including grocery retailers, institutional suppliers, meat markets and fast food restaurants. Some of their many customers include Kmart, Farmer Jack, Meijer, Sysco, Kentucky Fried Chicken, and numerous independent grocery stores serving Detroit and the outlying communities.

The company employs approximately 300 employees out of its Detroit facility, of

which more than 1/3 are Detroit residents. Sherwood Food Distributors is a viable and growing Detroit based business with aggressive plans to expand their current facility. The company's revenues topped \$1 billion dollars last year. It is their plan to retain the existing jobs with the possibility of creating new jobs in the future. The company has always provided excellent wages and benefits, and employs a very diverse staff. Sherwood paid approximately \$100,000 last year in City real property and personal property taxes. In addition, city income tax paid was approximately \$200,000.

The DEGC has worked diligently with this company over the past nine years to assist them with workforce development training and P.A. 198 Tax Abatement status. They are again providing technical assistance for this project. The DEGC believes the closure of Hildale is critical to the expansion of Sherwood's warehouse and overall development. We also believe that this company represents a significant employer to the residents of Detroit and the potential loss of 300+ jobs that might result if the street closure is not achieved will be devastating to the business community at large.

The Central Screw Product and the Voss Lantz Steel Company has expressed concerns that the permanent street closing would hinder truck ingress and egress to their property, and attract illegal dumping. To address these concerns, modifications will be made at certain intersections and elements to deter illegal dumping will be included in this project. Sherwood Food Distributors must include in the design of its proposed expansion, satisfactory illumination for the westerly portion of Hildale Avenue, to be closed, and install a 24-hour video surveillance camera system, that monitors the area of concern.

The Traffic Engineering Division/DPW (TED/DPW) is currently investigating traffic counts and volumes potentially affected by the closing of Hildale. However, TED/DPW has investigated the issue of trucks making right turns from southbound Mt. Elliot to E. Seven Mile. Since E. Seven Mile's pavement is only 40 feet wide, it is difficult for trucks to make the southbound right turn without hitting the eastbound Seven Mile traffic queued at the present stop bar. Therefore TED/DPW has no objection in moving the stop bar further back (10 feet back from cross walk) to facilitate the southbound to westbound right turn for trucks. This change will be implemented in the field as soon as the weather permits.

Sherwood Food Distributors has agreed to make satisfactory arrangements (if necessary) with all involved city departments and privately owned utility companies, for the cost of removal, abandonment or rerouting of their services.

An appropriate resolution is attached for consideration.

Respectfully submitted,
WILLIAM TALLEY
Head Engineer

City Engineering Division — DPW
By COUNCIL MEMBER WATSON:

Whereas, Petition No. 1916 of "Sherwood Food Distributors", 18615 Sherwood Ave., Detroit, Michigan 48235, was previously denied by your Honorable Body, March 7, 2001; J.C.C. Pg. 681; And

Whereas, Satisfactory arrangement must be made with all adjoining property owners, impacted by the proposed street closing; And

Whereas, The Traffic Engineering Division — DPW, will investigate and study improving the traffic safety caused by the closing of Hildale Avenue, especially at the intersection of Mt. Elliott St. and said Hildale Ave., And

Whereas, During the past four (4) years the City of Detroit through the Detroit Economic Development Department (DEGC) and the Mayors Office has had continued dialog with Sherwood Food Distributors, as well as the other adjacent businesses to remain at this site; And

Whereas, Sherwood Food Distributors proposed expansion project has an approximate capital investment of \$6 million dollars with an additional \$2 million dollars of new equipment; And

Whereas, By Sherwood Food Distributors expanding their warehousing facility by 40,000 square feet, this will allow the company to consolidate its inventory at one location, to expand its product line to meet the needs of its customers, and to add dock space; And

Whereas, Sherwood Food Distributors must include in the design of its proposed expansion, satisfactory illumination for the westerly portion of Hildale Avenue, to be closed, and install a 24-hour video surveillance camera system, that monitors the area of concern, And

Whereas, The Sherwood Food Distributors employs approximately 300 employees out of its present Detroit facility, of which more than 1/3 are Detroit residents. Sherwood Food Distributors is a viable and growing Detroit based business with aggressive plans to expand their current facility. The company revenues topped \$1 billion dollars last year. It is their plan to retain the existing jobs with the possibility of creating new jobs in the future. The company has always provided excellent wages and benefits, and employs a very diverse staff. Sherwood paid approximately \$100,000 last year in City real property and personal property taxes; Now therefore be it

Resolved, That part of Hildale Avenue, 60 feet wide, lying westerly of and abutting the west line (extending south to a point on the north line of Lot 12) of

Sherwood Avenue, 66 feet wide, and lying easterly of and abutting the east line of the Consolidated Rail Corporation right-of-way line (said part of Hildale Ave., having been dedicated to the City of Detroit for street purposes December 16, 1930 and November 25, 1930);

Land in the City of Detroit, Wayne County, Michigan, described as being a part of the N.W. 1/4 Sec. 9, T 1 S. R. 12 E., beginning at the intersection of the west line of Sherwood Avenue, 66 feet wide, and the north line of Hildale Avenue, 60 feet wide, thence N. 89°50'30" W., 592.65 feet to the east railroad right-of-way line, hence S. 00°46'30" E., 60.00 feet, along said railroad right-of-way line, thence, S. 89°50'30" E., 592.10 feet, to a point on the north line of Lot 12 "Simons Industrial Subdivision" of the N. 1/2 of Sec. 9, T. 1, S., R. 12 E., City of Detroit, Wayne Co., Michigan, as recorded in Liber 82, Page 51 Plats, W.C.R.; thence N. 00°33'30" W., 60.00 feet, to the point of beginning;

Be and the same is hereby vacated as a public street to become part and parcel of the abutting property, subject to the following provisions and the terms and conditions of this resolution;

Provided, That if necessary the petitioner shall design and construct a lateral sewer and water main, and make the connections to the existing public sewers and water mains as required by the Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed buildings; and further

Provided, That the plans for the lateral sewers and water mains shall be prepared by a registered engineer; and further

Provided, That DWSD be and is hereby authorized to review the drawings for any proposed lateral sewers and water mains and to issue permits for the construction of the lateral sewers and water mains; and further

Provided, That the entire work is performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

Provided, That the entire costs of the lateral sewer and water main construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, That the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as DWSD deems necessary to cover the costs of these services, and that all work necessary to maintain the existing sewer and water main service and/or to modify, alter, relocate and construct the sewer, water mains and access manholes (if necessary) is to be done by the petitioner at no cost to DWSD; and further

Provided, That the petitioner shall grant

to the City a satisfactory easement for the lateral sewers and water mains before the start of construction; and further

Provided, That the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; and further

Provided, That upon completion of the lateral sewer and water mains construction to DWSD's satisfaction, the lateral sewer and water mains shall be City property and become part of the City system; and further

Provided, That upon completion of the sewer and water main construction the petitioner shall provide DWSD with "As-Built" drawings for the water main and or sewers; and further

Provided, The petitioner (Sherwood Food Distributors) has made arrangements, if necessary, with the Public Lighting Department, Comcast Cablevision, DTE Energy-Detroit Edison, Michigan Consolidated Gas Company and SBC for any costs for the removal, rerouting or relocation of their facilities within said public street; and further

Provided, That before any construction shall be permitted within the vacated parts of said 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; and be it further

Resolved, The City Engineering Division-DPW is hereby authorized and directed to issue permits to "Sherwood Food Distributors", 18615 Sherwood Ave., Detroit, Michigan 48235, to close a portion of E. Hildale Avenue, 60 feet wide, between the east line of the north-south public alley 16.00 feet wide, first east of Filer Avenue, 60 feet wide, described as beginning at the intersection of the south line of E. Hildale Avenue, 60 feet wide, and the east line of a north-south public alley, 16 feet wide, as platted in "Livingstone Heights Subdivision" of part of the W. 1/2 of E. 1/2 of N.W. 1/4 of Sec. 9, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 35, Page 60, Wayne County Records; thence N. 00°30'30" W., 60.00 feet; thence S. 89°50'30" E., 216.92 feet; thence S. 00°46'30" E., 60.00 feet; thence N. 89°50'30" W., 217.20 feet to the point of beginning; on a temporary basis (for a period of five (5) years) to expire on May 1, 2010;

Provided, That access gates are installed, and ingress/egress is provided and maintained for all property owners and businesses adjacent to or directly impacted by said closure. The Traffic Engineering Division-DPW (TED)

requires that the permittee contact the Operations Section of TED for deploying proper signage barricades and detour routes during the closure period.

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and

Provided, No buildings or other structures of any nature whatsoever (except necessary barricades), shall be constructed on or over the public street. The permittee shall observe the rules and regulations of the City Engineering Division-DPW. The City of Detroit retains all rights and interests in the temporarily closed public street. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public street. Further, the permittee shall comply with all specific conditions imposed to ensure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, All of the permittee's public property fence, gate and barricade installations shall be subject to the review and approval of the City Engineering Division-DPW (if necessary, in conjunction with the Traffic Engineering Division-DPW); and

Provided, This resolution does not permit the storage of materials, displays of merchandise, or signs within the temporarily closed public rights-of-way. Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the permittee's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division-DPW by the permittee at the permittee's expense; and

Provided, The permittee's fence, gate and barricade installations shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, The portion of this resolution pertaining to the temporary closing of Hildale is revocable at the will, whim or caprices of the Detroit City Council without cause. The permittee waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, This permit shall not be assigned or transferred without the written approval of the Detroit City Council; and further

Resolved, That the resolution adopted on March 7, 2001, (J.C.C. p. 681) denying the request of Sherwood Food Distributors to close East Hildale Avenue between Sherwood Avenue on the east and the railroad tracks located east of Filer Avenue on the West is rescinded; and be it further

Resolved, That this resolution is subject to the following provisions:

Provided, Sherwood Food Distributors must include in the design of its proposed expansion, satisfactory illumination for the westerly portion of Hildale Avenue, to be closed, and install a 24-hour video surveillance camera system, that monitors the area of concern, and further

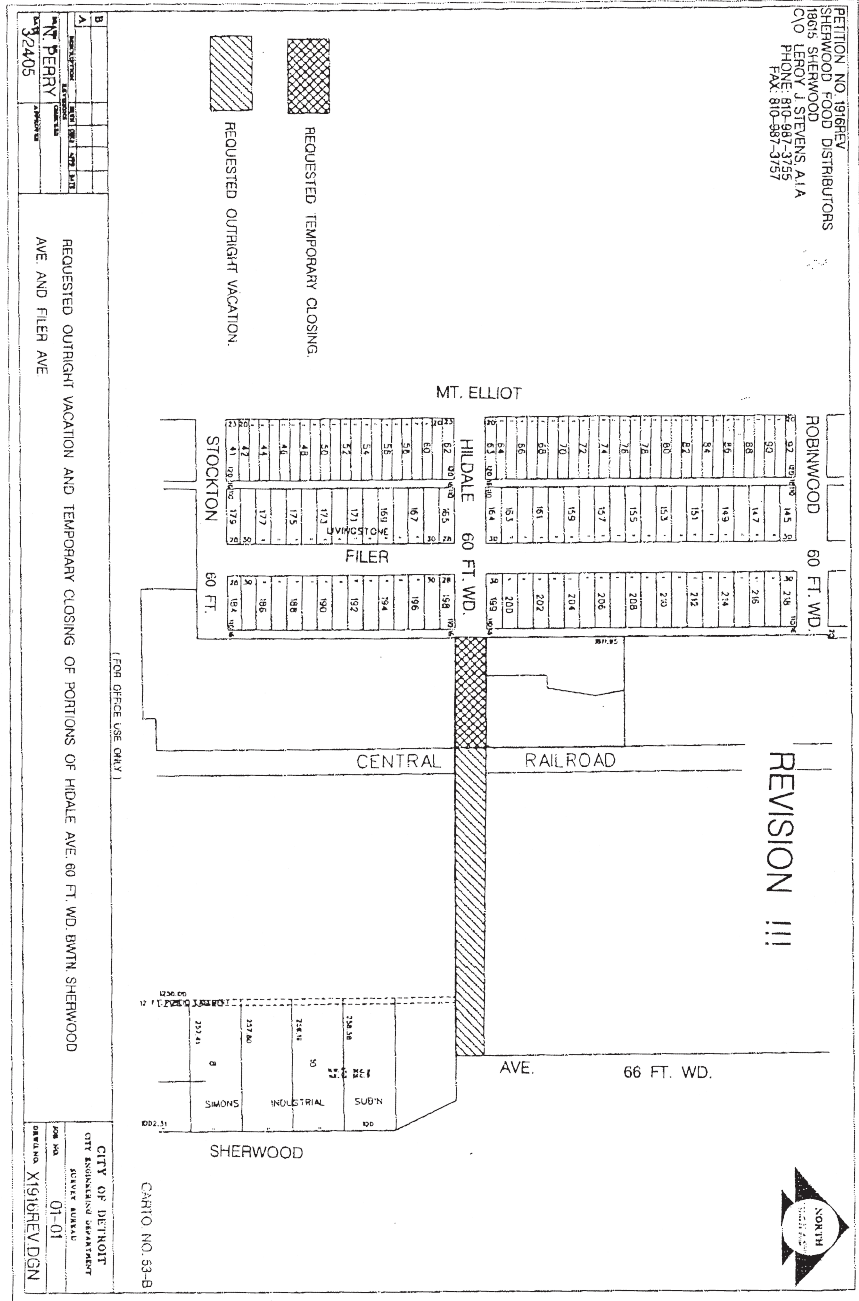
Provided, That Sherwood Food Distributors ("the permittee") shall file with the Finance Department an indemnity agreement in form approved by the Law Department, which shall require the permittee to accept the terms and conditions of, and agree to comply with the requirements of, this resolution, including providing an irrevocable offer to rededicate the vacated portion Hildale to the City to be effective in the event permittee does not complete its expansion project. Further, the agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the permittee of the terms thereof. Further, the permittee shall agree to pay all claims, damages or expenses that may arise out

of the maintenance of the temporary closing; and

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds, and be it further

Resolved, If determined by the Law Department to be necessary to effectuate the purposes of this resolution, the Planning and Development Department Director is hereby authorized and directed to issue a quit-claim deed to transfer the following vacated public (street) right-of-way to "Sherwood Food Distributors" (abutting property owner) and "REO Hydro-Pierce, Incorporated (abutting property owner), for the fair market value and/or other valuable considerations;

Land in the City of Detroit, Wayne County, Michigan, described as being a part of the N.W. 1/4 Sec. 9, T. 1 S. R. 12 E., beginning at the intersection of the west line of Sherwood Avenue, 66 feet wide, and the north line of Hildale Avenue, 60 feet wide, thence N. 89°50'30" W., 592.65 feet to the east railroad right-of-way line, thence S. 00°46'30" E., 60.00 feet, along said railroad right-of-way line, thence, S. 89°50'30" E., 592.10 feet, to a point on the north line of Lot 12 "Simons Industrial Subdivision" of the N. 1/2 of Sec. 9, T. 1, S., R. 12 E., City of Detroit, Wayne Co., Michigan, as recorded in Liber 82, Page 51 Plats, W.C.R.; thence, N. 00°33'30" W., 60.00 feet, to the point of beginning; subject to an easement for public utilities, if any.



Adopted as follows:
 Yeas — Council Members Bates, S. Cockrel, Tinsley-Talabi, and President Mahaffey — 4.
 Nays — Council Members Collins, McPhail, and Watson — 3.

Water and Sewerage Department
 November 29, 2004
 Honorable City Council:
 Re: Approval and Authorization to Enter into Lease Agreement #04-19. St. Clair County Parks and Recreation Commission (SCPRC).

The Detroit Water and Sewerage Department (DWSD) and St. Clair County Parks and Recreation Commission (SCPRC) have negotiated a lease agreement to allow for the development of Department property as a county park located along the Lake Huron shoreline in Fort Gratiot Township. The lease agreement period is for a ten (10) year period beginning January 1, 2005 through December 31, 2014.

The 15.8-acre site will be combined with sixteen (16) acres SCPRC is acquir-