

**City Planning Commission**  
November 7, 1988

Honorable City Council:

Re: Petition #993 — Outright vacation of portions of Foster, Girardin, Richardson and the north/south alley between Foster and Girardin.

Submitted herewith is the report and recommendation of the City Planning Commission staff relative to the request of Ashland Oil, Inc. for the outright vacation of portions of Foster south of Rugg, Girardin south of Marcus and Richardson between Foster and the railroad tracks; the north/south alley between Foster and Girardin south of Marcus; and two utility easements in the general area.

The City Planning Commission staff has visited the above-captioned site and found that the streets proposed to be vacated provide access largely for the petitioner, Ashland Oil Inc. It does not appear that the proposed street closings will significantly impact access in the adjacent area.

The proposed vacations of the subject streets do not appear to be inconsistent with adopted or proposed Master Plan policies. In addition, nothing has come to our attention which would warrant denial of the above petition.

This petition is being made in conjunction with Ashland Oil's plans for construction of a storage tank facility. A rezoning and land sale related to this project was approved by Your Honorable Body on February 17, 1988.

The City Planning Commission staff, after reviewing the above-captioned request, finds no problems in granting the subject vacations. The City Planning Commission staff, therefore, recommends that the proposed street alley and utility vacations be approved and that Council adopt the appropriate resolution which has been submitted by the City Engineering Department.

Respectfully submitted,  
MARSHA S. BRUHN  
Director

**City Engineering Department**  
October 31, 1988

Honorable City Council:

Re: Petition No. 993. Ashland Oil Company, Inc. Vacation of portion of streets, alley, and utility easements in the area bounded by NYCRR, Sherwood, Georgia and Marcus.

Petition No. 933 of Ashland Oil Company, Inc., a Kentucky Corporation, requests the outright vacation of portion of Richardson Avenue, 60 feet wide, lying between Foster and the railroad right-of-way; also a portion of Foster Avenue, 50 feet wide, south of Rugg; also the utility easement, 50 feet by 47.59 feet (formerly part of Foster Avenue, 50 feet wide, south of Richardson), having been converted by City Council on August 29, 1979 (J.C.C. pp. 2453-54); also a portion of the north-south public alley, 16 feet wide, south of Marcus between Foster and Girardin; also the utility easement, 16 feet by 47.59 feet (formerly part of the north-south public alley, 16 feet wide, south of Marcus between Foster and Girardin), having been converted by City Council on August 29, 1979 (J.C.C. pp. 2453-54); also a portion of Girardin Avenue, 50 feet wide, south of Marcus.

The petitioner has purchased vacant City-owned land (approximately 77,625 square feet) to expand its existing Chemical Plant by constructing buildings and installing above-ground tanks, piping and driveways. The sale of land was approved by your Honorable Body on February 17, 1988 (J.C.C. p. 386). The requested vacation of portions of streets, alley, and utility easements is necessary to consolidate properties for the proposed expansion.

The City Planning Commission in a letter (to the Community and Economic Development Department) dated October 2, 1987, recommended approval of the request to vacate portions of Foster, Girardin and Richardson.

The requested outright vacations were approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The Water and Sewerage Department will abandon the 12 and 15-inch diameter public sewer(s) servicing the petitioner's property. The petitioner will be required to construct a new manhole on the remaining public sewer (approximately) 10.00 feet north of the (to be) vacated north-south public alley (16 feet wide). Any necessary permits must be secured prior to construction. All costs for public sewer manhole construction, bulkheading, inspection and permits shall be paid by the petitioner.

Also, the Water and Sewerage Department will abandon a 6-inch water main in Girardin. The cost of cutting and capping the water main north of (to be) vacated Girardin Avenue, 50 feet wide, shall be paid by the petitioner. Private contract work will require plan approval by the Water and Sewerage Department. The petitioner shall pay all incidental fees for inspection and permits.

Further, to abandon a 6-inch water main in Foster Avenue, the Water and Sewerage Department will require the petitioner to construct a replacement water main and grant an easement over private property to service the relocated main. This is necessary to maintain a (City-owned) grid water main distribution system. Ashland Oil has signed an agreement to design, construct, and install an 8-inch water main (at no expense to the City); also to reserve a 20.00 feet wide "water main easement" across private property for the Water and Sewerage Department. The agreement between Ashland Oil, Inc. and the Board of Water Commissioners has been incorporated into the public rights-of-way vacating resolution.

Additionally, Ashland Oil has submitted a surety bond (issued by Insurance Company of North America, a CIGNA company; Bond No. K0-34-33-35-3-279-MI; Bond Term: 8/30/88 to 8/30/91) in the amount of \$47,500.00 to guarantee the replacement water main construction. The bond was approved by the Law Department and has been placed on file with the Finance Department-Debt Management. When the replacement water main construction is completed and approved by the Water and Sewerage Department, the petitioner may request a release from the bond.

The petitioner has deposited the following city department reimbursement cost(s):

**Public Lighting Department:**  
\$3,750.00, City Treasurer Receipt No. C-9834.

Deposit to remove poles and wire from (to be vacated) portions of public streets and alley in the area bounded by NYCRR, Sherwood, Georgia and Marcus.

**Water and Sewerage Department-Accounting:**  
\$5,000.00.

Refundable deposit to guarantee public sewer manhole construction.  
\$12,500.00.

The estimated cost to abandon a 6-inch water main in Girardin.

The Detroit Edison Company and the Michigan Consolidated Gas Company have reached agreements with the petitioner regarding their installations therein. Satisfactory arrangements have been made with all other City departments and privately-owned utility companies.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Hood:

Resolved, That all of the utility easements retained by the City Council resolution adopted on August 29, 1979 J.C.C. pages 2453 and 2454 for the conversion of portion of public street (Foster Avenue, 50 feet wide, south of Richardson Avenue) and a portion of north-south public alley (16 feet wide, south of Marcus Avenue between Foster and Girardin Avenues), described as:

All that part of Foster Avenue, 50 feet wide, south of Richardson Avenue lying westerly of and abutting the west line of Lot 916; also lying easterly of and abutting the east line of the south 47.59 feet of Lot 917 as platted in "Bessenger and Moore's Mt. Elliott Avenue Subdivision No. 1" of part of Northeast Quarter of Southwest Quarter of Section 21, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan as recorded on May 27, 1916 in Liber 35, Page 40, Plats, Wayne County Records; also

All that part of the north-south public alley, 16 feet wide, south of Marcus Avenue between Foster and Girardin Avenues lying westerly of and abutting the west line of Lots 881 and 936; also lying easterly of and abutting the east line of Lot 916 as platted in "Bessenger and Moore's Mt. Elliott Avenue Subdivision No. 1" of part of Northeast Quarter of Southwest Quarter of Section 21, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan as recorded on May 27, 1916 in Liber 35, Page 40, Plats, Wayne County Records;

Be and the same are hereby vacated as utility easements to become a part and parcel of the abutting property; and be it further

Resolved, All that part of Richardson Avenue, 60 feet wide, lying between the west line of Foster Avenue (50 feet wide) and the east line of the railroad right-of-way (variable width); except that part necessary for an easement to service and maintain a replacement underground water main (described later in this resolution); also

All that part of Foster Avenue, 50 feet wide, lying between the north line extended easterly of Lot 924, and the south line extended westerly of Lot 915 as platted in "Bessenger and Moore's Mt. Elliott Avenue Subdivision No. 1" of part of Northeast Quarter of Southwest Quarter of Section 21, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan as recorded on May 27, 1916 in Liber 35, Page 40, Plats, Wayne County Records; also

All that part of Girardin Avenue, 50 feet wide, lying westerly of and abutting the west line of Lots 868 to 880; also lying easterly of and abutting the east line of Lot 936, and Lots 881 to 893 as platted in "Bessenger and Moore's Mt. Elliott Avenue Subdivision No. 1" of part of Northeast Quarter of Southwest Quarter of Section 21, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan as recorded on May 27, 1916 in Liber 35, Page 40, Plats, Wayne County Records; also

(PAGE 1 OF 3)

J.C.C. Pgs. 2829-34

Nov. 16, 1988

Nov. 7, 1988

**ACKNOWLEDGEMENT**

STATE OF MICHIGAN )

) ss.

COUNTY OF WAYNE )

The foregoing instrument was acknowledged before me this 8th day of August, 1988, by Charlie J. Williams, the Director for the Board of Water Commissioners of the City of Detroit, on behalf of said City of Detroit.

Notarized by:

Lauretta Purry

Notary Public, Wayne County, Michigan

My commission expires April 14, 1992

**RESOLUTION OF BOARD AUTHORITY**

I, Victor L. Marsh, Secretary to the Board of Water Commissioners of the City of Detroit, a Michigan Municipal

Corporation, DO HEREBY CERTIFY that the following is a true and correct excerpt from the minutes of the meeting of the Board duly called and held on August 3, 1988.

**ACTION:**

It was moved by Commissioner Brown and supported by Commissioner Lamerato to approve the Agreement and Grant of Easement for water main and sewers with Ashland Oil, Inc. and to authorize the Director to execute the Agreement on the Board's behalf. Motion Carried.

I FURTHER CERTIFY that Charlie J. Williams is the Director for the Board and that he is authorized to execute or guarantee and commit the Board to the conditions, obligations, stipulations and undertakings contained in the foregoing instrument and that all necessary corporate approvals have been obtained in relationship thereto.

IN WITNESS THEREOF, I have set my hand this 8th day of August, 1988.

Signed by:

Victor L. Marsh, Board Secretary

**Exhibit "A"****20' WATERMAIN EASEMENT**

The west 20 feet of Lots 920 and 927 and the West 20 feet of the 20 foot wide alley adjacent to said Lots 920 and 927 of BESSENGER AND MOORE'S MT. ELLIOTT AVENUE SUBDIVISION NO. 1 OF NE ¼ of SW ¼ of Section 21, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Plats, Page 40, Wayne County Records and being more particularly described as:

Beginning at the Southwest corner of said Lot 920; thence N. 00° 17' E. 252.66 feet along the Westerly line of said Lots 920 and 927 to the Northwestern corner of said Lot 927; thence N. 88° 38' E. 20.01 feet along the North line of said Lot 927 said line also being the South line of Rugg Avenue (55 feet wide); thence S. 00° 17' W. 253.01 feet to a point on the South line of said Lot 920 said line also being the North line of said Richardson Avenue (60 feet wide); and thence S. 89° 38' W. 20.00 feet along said South line of Lot 920 to the Point of Beginning.

**20' EASEMENT OVER RICHARDSON AVENUE**

The Westerly 20 feet of that part of Richardson Avenue (60 feet wide) lying South of and adjacent to Lot 920 of BESSENGER AND MOORE'S MT. ELLIOTT AVENUE SUBDIVISION NO. 1 of part of NE ¼ of SW ¼ of Section 21, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan as recorded in Liber 35 of Plats, Page 40, Wayne County

Records and being more particularly described as:

Beginning at the Southwesterly corner of said Lot 920; thence N. 89° 38' E. 20.00 feet along the South line of said Lot 920 said line also being the Northerly right of way line of said Richardson Avenue; thence S. 00° 17' W. 60.01 feet to a point on the South right-of-way line of said Richardson Avenue; thence S. 89° 38' W. 20.00 feet along said South right-of-way line; and thence N. 00° 17' E. 60.01 feet to the Point of Beginning.

**Exhibit "B"**

Property drawing delineating the "easement(s)" described in "EXHIBIT A" (drawing on file in the Water and Sewerage Department)

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

\*RECONSIDERATION (No. 6), per Motions before Adjournment.

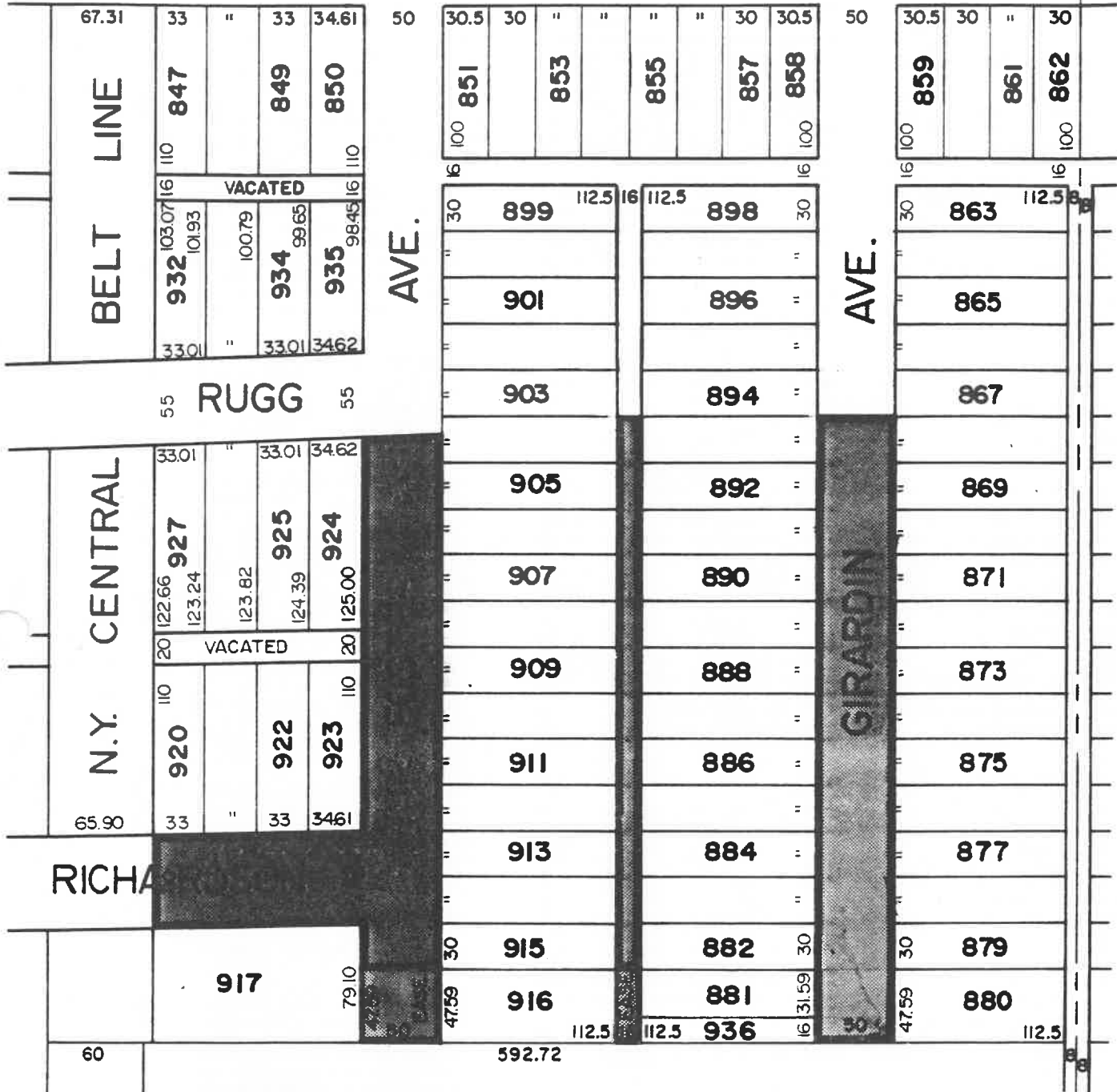
NOV. 16, 1988  
J.C.C. PGS. 2829-34  
(PAGE 3 OF 3)

PETITION NO. 993  
ASHLAND OIL CO.  
% E. LOUIS SCHUETTE  
PHONE: (812) 342-9343  
(502) 423-1943

REVISED      DRAWING

MARCUS AVE.

NORTH



REQUEST FOR OUTRIGHT VACATION.

BESSENGER & MOORE'S MT. ELLIOT AVE. SUB'N

FOR OFFICE USE ONLY

CARTO. NO. 50-E  
SCALE: 1"=100'

B					
A					
DESCRIPTION		Drwn	Chkd	Appd	Date
REVISIONS					
DRAWN BY J.D. FOSTER.		APPROVED			
TRACED BY		APPROVED			
CHECKED		APPROVED			
CITY ENGINEER					

REQUESTED OUTRIGHT VACATION OF  
PORTIONS OF THE STREETS AND  
ALLEY IN THE AREA OF N.Y.C.R.R.,  
SHERWOOD, GEORGIA, AND MARCUS.

**CITY OF DETROIT**  
**City Engineering**

Job No. 01-01

Drwg. No. X-993

Date 11/5/87