

Honorable City Council:

RE: Petition No. 813 City Environmental, Inc. (CEI), Street and Alleys to Easement, Frederick between St. Aubin and the Grand Trunk Railroad; also the remaining public alleys in the block bounded by GTRR, St. Aubin, Farnsworth and Frederick
Petition No. 2901, Street to Easement, Thorn Apple Valley (TAV), Frederick between Riopelle and the Grand Trunk Railroad

Petition No. 813 of "City Environmental, Inc. (CEI)" requests the conversion of a portion of Frederick Avenue, 60 feet wide, between St. Aubin Street and the Grand Trunk Railroad; also the north-south public alley, 15 and 20 feet wide; also the east-west public alley, 20 feet wide, in the block bounded by the Grand Trunk Railroad, St. Aubin, Farnsworth and Frederick Avenues into a private easement for public utilities and existing railroad crossings.

Petition No. 2901 of "Thorn Apple Valley (TAV)" requests the conversion of a portion of Frederick Avenue, 60 feet wide, between Riopelle Street and the Grand Trunk Railroad into a private easement for public utilities and existing railroad crossings.

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

In January 1997, CEI filed its Petition No. 813 to construct and maintain a railroad spur track across Frederick Avenue, 60 feet wide, between St. Aubin Street and the Grand Trunk Railroad. The parties (CEI and TAV), acknowledge that the simultaneous granting of both Petition Nos. 813 and 2901 would obviate the need to process and approve Petition No. (CEI) 2882. An "interim agreement" between the City of Detroit (administered by its City Engineering Division-DPW) and CEI permitted the construction and maintenance of one Railroad Spur crossing Frederick. City Council authorized the Department of Public Works to draft (or cause to be drafted), execute, monitor and administer said "interim agreement" on March 14, 1997 (J.C.C. page 519).

CEI has adequately met the terms and conditions set forth in the "interim (spur track) agreement." Also, pursuant to Detroit Code 50, Article 7-1 thru 4, both Petition Nos. (TAV) 2901 and (CEI) 813 are being submitted simultaneous in the attached resolution to vacate Frederick Avenue, 60 feet wide, between Riopelle Street and St. Aubin Avenue. If City Council decides to approve a resolution vacating Frederick Avenue (abutting CEI property), then the spur track agreement becomes needless, and CEI agrees to withdraw Petition No. 2882.

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 and existing railroad crossings are part of the resolution.

TAV and CEI plan to use the public street(s) and alley return entrances into

Riopelle Street, St. Aubin and/or Farnsworth Avenues; and requests such remain in their present status. TAV and/or CEI (the owners of their respective abutting lots) will pay all expenses to remove the public street(s) and/or alley return entrances 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
City Engineering Division-DPW

City Planning Commission
July 29, 1997

Honorable City Council:

Re: City Environmental Inc. (#813), request to convert Frederick between St. Aubin and the Grand Trunk Railroad (GTRR) and the public alleys in the block bounded by GTRR, St. Aubin, Farnsworth and Frederick to private easements (Recommend Approval)

The petitioner, City Environmental, Inc. (CEI) is requesting the vacation and conversion to easement of Frederick between St. Aubin and the Grand Trunk Railroad

and the alleys in the block bounded by GTRR, St. Aubin, Farnsworth and Frederick (see attached map). CEI is requesting these vacations to allow for expansion of its facilities, eliminating of illegal dumping, and provide integrated security and screening at the site.

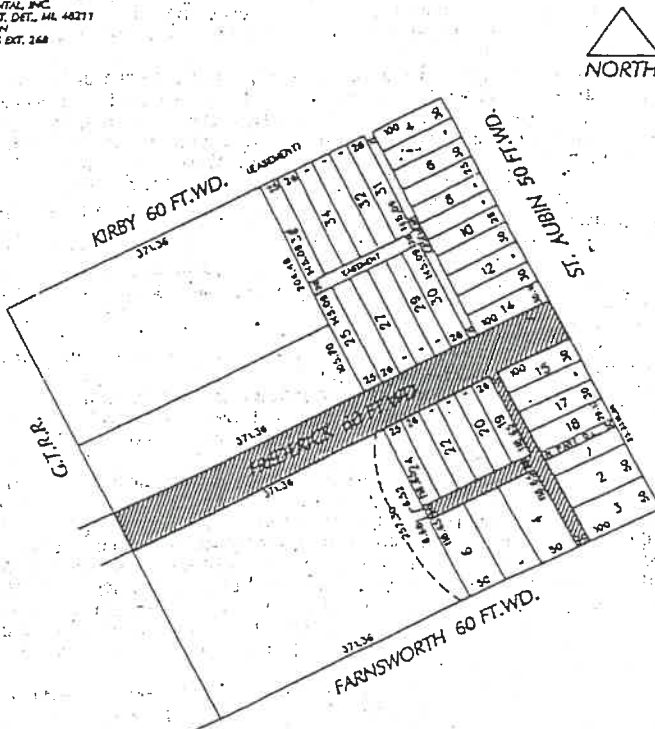
City Planning Commission staff has conducted a site visit to review the requested closing of the above mentioned streets and alleys. The bulk of the traffic on Frederick is related to CEI and Thorn Apple Valley (TAV). TAV, in petition #2901, is requesting to have Frederick closed between Riopelle and the GTRR, and staff is submitting a separate report on

this petition. Frederick dead ends just west of TAV into the DDOT bus yard, and so is not used for through traffic.

There would seem to be no advantage to the City maintaining control over said streets and alleys. The proposed street closing would not disrupt vehicular circulation in the area and would allow CEI to consolidate its property. It is therefore, the recommendation of this department that the petition be approved.

Respectfully submitted,
MARCUS D. LOPER,
Deputy Director
GREGORY MOOTS,
Staff

PETITION NO. 813
CITY ENVIRONMENTAL, INC.
1803 FREDERICK ST., DET., MI. 48217
CO. JENNER LYNN
DT3567-0715 EXT. 244



REQUESTED CONVERSION TO EASEMENT.

THESE ALLEYS ARE SUBMITTED BY THE HEIRS OF JAMES WITHERELL

CARTO. NO. 40-8
SCALE: 1"=100'

FOR OFFICIAL USE ONLY

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By Council Member Scott:

Whereas, In November 1994, City Environmental, Inc. (CEI) filed its Petition No. 813 requesting the closing of a portion of Frederick Avenue, 60 feet wide, between St. Aubin Street and the Grand Trunk Railroad; and

Whereas, In February 1997, Thorn Apple Valley (TAV) filed its Petition No. 2901 requesting the closing of a portion of Frederick Avenue, 60 feet wide, between Riopelle Street and the Grand Trunk Railroad; and

Whereas, In January 1997, CEI filed its Petition No. 2882 to construct and maintain a railroad spur track across Frederick Avenue, 60 feet wide, between St. Aubin Street and the Grand Trunk Railroad. The parties (CEI and TAV), acknowledge that the simultaneous granting of both Petition Nos. 813 and 2901 would obviate the need to process and approve Petition No. (CEI) 2882. An "interim agreement" between the City of Detroit (administered by its Department of Public Works) and CEI permitted the construction and maintenance of one Railroad Spur crossing Frederick Avenue; until that part of said public street is vacated by the City Council. City Council authorized the Department of Public Works to draft (or cause to be drafted), execute, monitor and administer said "interim agreement" on March 14, 1997 (J.C.C. page 519); and

Whereas, The terms and conditions set forth in the "interim agreement" have been adequately met by CEI; and pursuant to Detroit Code 50, Article 7-1 thru 4, both Petition Nos. (TAV) 2901 and (CEI) 813 are submitted *simultaneous* in this resolution to City Council for approval to vacate said Frederick Avenue, 60 feet wide, between Riopelle Street and St. Aubin Avenue; therefore be it

Resolved, All of that part of Frederick Avenue, 60 feet wide, lying easterly of and abutting the east line of Riopelle Street (50 feet wide); also lying southerly of and abutting the south line of Lots 11 thru 15; also lying northerly of and abutting the north line of Lots 6 thru 10 of the "Plat of Andrus and Warren Subdivision of part of the Riopelle Farm between Farnsworth Street and Ferry Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 2, Plats, Wayne County Records; also

All of that part of Frederick Avenue, 60 feet wide, between Riopelle Street and St. Aubin Avenue being the south 60.00 feet of the north 340.16 feet of the east 573.68 feet of Out Lot 2 of the "Subdivision of the Rear of the A. Dequindre Farm, for the Administration of the Estate of Antoine Rivard," City of Detroit, Wayne County, Michigan as recorded in Liber 15, Pages 348 and 349, City Records; being more particularly described as follows: Beginning at the southeast corner of Lot 15 of the "Plat of Andrus and Warren Subdivision of part of the Riopelle Farm between Farnsworth Street and Ferry Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 2, Plats, Wayne County Records; thence N.64°03'00"E., 573.68 feet; thence S.26°00'00"E., 60.00 feet; thence S.64°03'00"W., 573.68 feet to the north-east corner of Lot 6 of the "Plat of Andrus and Warren Subdivision of part of the Riopelle Farm between Farnsworth Street and Ferry Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 2, Plats, Wayne County Records; thence N.26°00'00"W., 60.00 feet to the point of beginning, containing about 34,420 square feet or 0.7902 acre more or less; (said land parcel acquired by the City of Detroit for opening, widening, and extending Frederick Avenue, 60 feet wide, between Riopelle Street and St. Aubin Avenue; confirmed on January 14, 1904 in Recorder's Court File No. 887; and accepted by City Council on January 19, 1904 (J.C.C. page 35); also

All of that part of Frederick Avenue, 60 feet wide, between Riopelle Street and St. Aubin Avenue being a strip of land 40.00 feet by 60.00 feet; also being all that part of the Dequindre Farm lying easterly of and abutting the east line of the south 60.00 feet of the north 340.16 feet of the eastern 573.68 feet of Out Lot 2 of the "Subdivision of the Rear of the A. Dequindre Farm, for the Administration of the Estate of Antoine Rivard," City of Detroit, Wayne County, Michigan as recorded in Liber 15, Pages 348 and 349, City Records; being more particularly described as follows: Commencing at the southeast corner of Lot 15 of the "Plat of Andrus and Warren Subdivision of part of the Riopelle Farm between Farnsworth Street and Ferry Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 2, Plats, Wayne County Records; thence N.64°03'00"E., 573.68 feet, to the point of beginning; thence N.64°03'00"E., 40.00 feet; thence S.26°00'00"E., 60.00 feet; thence S.64°03'00"W., 40.00 feet; thence N.26°00'00"W., 60.00 feet to the point of beginning, containing about 2,400 square feet or 0.0551 acre more or less; (said land parcel acquired by the City of Detroit for opening, widening, and extending Frederick Avenue, 60 feet wide, between Riopelle Street and St. Aubin Avenue; confirmed on January 14, 1904 in Recorder's Court File No. 887; and accepted by City Council on January 19, 1904 (J.C.C. page 35); also

All of that part of Frederick Avenue, 60 feet wide, between Riopelle Street and St. Aubin Avenue being the south 60.00 feet of the north 165.70 feet of the western 371.36 feet of Out Lot 28 of the "Plat of the Subdivision of Private Claim 90 by the Heirs of James Witherell," City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 2, Deeds, Wayne County Records; being more particularly described as follows: Beginning at the southwest corner of Lot 25 of "Phillis Beaubien Subdivision of Out Lot 51, St. Aubin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 16, Plats, Wayne County Records; thence S.64°03'00"W., 371.36 feet; thence S.26°00'00"E., 60.00 feet; thence N.64°03'00"E., 371.36 feet to the north-west corner of Lot 24 of "Phillis Beaubien Subdivision of Out Lot 51, St. Aubin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 16, Plats, Wayne County Records; thence N.26°00'00"W., 60.00 feet to the point of beginning, containing about 22,280 square feet or 0.5115 acre more or less; (said land parcel acquired by the City of Detroit for opening, widening, and extending Frederick Avenue, 60 feet wide, between Riopelle Street and St. Aubin Avenue; confirmed on January 14, 1904 in Recorder's Court File No. 887; and accepted by City Council on January 19, 1904 (J.C.C. page 35); also

All of that part of Frederick Avenue, 60 feet wide, between Riopelle Street and St. Aubin Avenue being a strip of land 20.00 feet by 60.00 feet; also being all that part of the Witherell Farm lying westerly of and

abutting the west line of the south 60.00 feet of the north 165.70 feet of the western 371.36 feet of Out Lot 28 of the "Plat of the Subdivision of Private Claim 90 by the Heirs of James Witherell," City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 2, Deeds, Wayne County Records; being more particularly described as follows: Commencing at the southwest corner of Lot 25 of "Phillis Beaubien Subdivision of Out Lot 51, St. Aubin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 16, Plats, Wayne County Records; thence S.64°03'00"W., 371.36 feet to the point of beginning; thence S.64°03'00"W., 20.00 feet; thence S.26°00'00"E., 60.00 feet; thence N.64°03'00"E., 20.00 feet; thence N.26°00'00"W., 60.00 feet to the point of beginning, containing about 1,200 square feet or 0.0275 acre more or less; (said land parcel acquired by the City of Detroit for opening, widening, and extending Frederick Avenue, 60 feet wide, between Riopelle Street and St. Aubin Avenue; confirmed on January 14, 1904 in Recorder's Court File No. 887; and accepted by City Council on January 19, 1904 (J.C.C. page 35); also

All of that part of Frederick Avenue, 60 feet wide, lying westerly of and abutting the west line of St. Aubin (50 feet wide); also lying southerly of and abutting the south line of Lots 25 thru 30; also lying southerly of and abutting the south line of the vacated north-south public alley (15 feet wide; in the block bounded by the Grand Trunk Railroad, St. Aubin, Frederick and Kirby Avenues; said public alley having been previously vacated by City Council on February 9, 1994 (J.C.C. pages 2702-04); also lying southerly of and abutting the south line of Lot 14; also lying northerly of and abutting the north line of Lot 15; also lying northerly of and abutting the north line of the north-south public alley (15 feet wide; in the block bounded by the Grand Trunk Railroad, St. Aubin, Farnsworth and Frederick Avenues); also lying northerly of and abutting the north line of Lots 19 thru 24 of "Phillis Beaubien Subdivision of Out Lot 51, St. Aubin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 16, Plats, Wayne County Records; also

All of the east-west public alley, 20 feet wide, in the block bounded by the Grand Trunk Railroad, St. Aubin, Farnsworth and Frederick Avenues lying southerly of and abutting the south line of Lots 19 thru 24 of "Phillis Beaubien Subdivision of Out Lot 51, St. Aubin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 16, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lots 4 thru 6 of "Davis Subdivision of Out Lot 50 of the Subdivision of the St. Aubin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 91, Plats, Wayne County Records; also a strip of land 12.80 feet wide being a north part of Out Lot 50, St. Aubin Farm, lying easterly of and abutting the east line of the south 257.30 feet of the north 423.00 feet of Out Lot 28 of the "Plat of the Subdivision of Private Claim 90 by the Heirs of James Witherell," City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 2, Deeds, Wayne County Records; also

All of the north-south public alley, 15 and 20 feet wide, in the block bounded by the Grand Trunk Railroad, St. Aubin, Farnsworth and Frederick Avenues lying westerly of and abutting the west line of Lots 15 thru 18; also lying easterly of and abutting the east line of Lot 19 of "Phillis Beaubien Subdivision of Out Lot 51, St. Aubin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 16, Plats, Wayne County Records; also lying westerly of and abutting the

west line of a strip of land 12.80 feet wide being a north part of Out Lot 50, St. Aubin Farm; also lying easterly of and abutting the east line of the east-west public alley (20 feet wide; in the block bounded by the Grand Trunk Railroad, St. Aubin, Farnsworth and Frederick Avenues); also lying westerly of and abutting the west line of Lots 1 thru 3; also lying easterly of and abutting the east line of Lot 4 of "Davis' Subdivision of Out Lot 50 of the Subdivision of the St. Aubin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 91, Plats, Wayne County Records;

Be and the same are hereby vacated as public street(s) and alleys and are hereby converted into a private easement for public utilities and existing railroad crossings of the full width of the street(s) 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 street(s) 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 street(s) and alleys herein above described for the purposes of maintaining, installing, repairing, removing, or replacing existing railroad crossings and 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(s) and alleys herein above described shall be forever accessible to the maintenance and inspection forces of the utility and railroad companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any existing railroad crossings, 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 and railroad 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 and existing railroad crossing easement with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility and railroad companies shall use due care in such crossing or use, and that any property damaged by the utility and railroad 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, and railroad crossings; 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(s) and alleys shall request the removal and/or relocation of any existing poles or other utilities or existing railroad crossings 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 and/or the Grand Trunk Railroad Company,

FIFTH, that if any utility or existing railroad crossings 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 or existing railroad crossings; and further

PROVIDED, That if it becomes necessary to remove the paved street(s) and/or alley return(s) at their entrance(s) (into Riopelle Street, St. Aubin and/or Farnsworth 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 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, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

July 30, 1997
J.C.C. pp. ~~2077-2081~~
2075-81

City Planning Commission
July 29, 1997

Honorable City Council:

Re: Thorn Apple Valley (#2901), request to "vacate" Frederick Street from Riopelle Street east to the Grand Trunk Railroad. (Recommend Approval).

The petitioner, Thorn Apple Valley (TAV), is requesting that the City vacate Frederick Street from Riopelle Street east to the Grand Trunk Railroad (please see Attachment A. for a map showing the location of the subject street). This section of Frederick Street is a two-way street measuring approximately 700 feet long by 60 feet wide. TAV is requesting that the street be closed in order to improve safety and security for TAV, its employees, and the neighborhood in general. City Environmental, Inc. (petition #813) located on Frederick Street just east of the Grand Trunk tracks, is requesting, in conjunction with TAV's request, that Frederick Street between the Grand Trunk Railroad and St. Aubin be vacated.

TAV operates a large slaughterhouse facility at the southwest intersection of Frederick and Riopelle Streets. On surrounding land, TAV has a number of buildings and parking lots associated with the main slaughterhouse. With its facilities and parking areas scattered around the intersection of Riopelle and Frederick Streets, the area is often congested with delivery trucks filled with pigs, rendering trucks, employee vehicles, and employ-

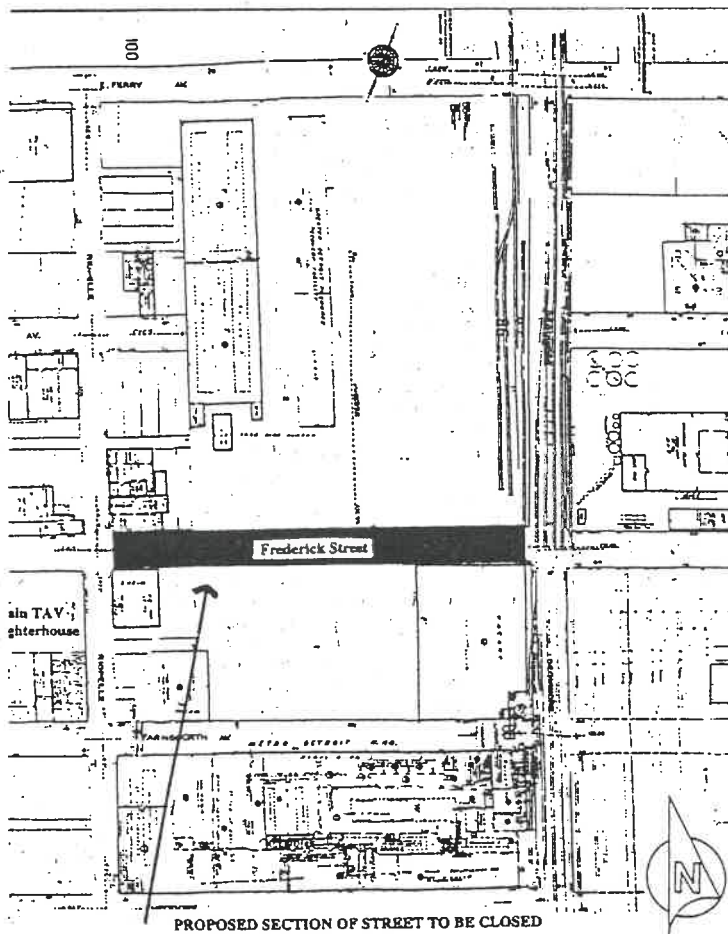
ees walking to and from their cars. With pedestrians and vehicles from the public also being allowed to pass through this area, it is often difficult to travel down Frederick Street.

The subject area surrounding the TAV slaughterhouse is developed as an industrial area with a scattering of vacant lots. Frederick Street heading west dead-ends at Russell Street where the City's Department of Transportation bus yard is located.

By requesting to vacate Frederick Street from Riopelle Street east to the Grand Trunk Railroad, TAV would be able to connect properties which it owns on the north and south sides of Frederick Street. It will also allow TAV to provide additional parking for its employees and more controlled access to its lots. Lastly, the street vacation would limit the general public from traveling through the area which is congested with trucks and parked cars.

Since the proposed street closing would not disrupt vehicle circulation for residences or other businesses, and since the closing would allow TAV to create a consolidated property, the City Planning Commission staff recommends approval of the "vacation" of Frederick between Riopelle and the Grand Trunk Railroad.

Respectfully submitted,
MARCUS D. LOPER
Deputy Director
CHRISTOPHER J. GULOCK
Staff



*Railroad
Spur Tracks
March 14, 1997
pg 510*

*July 30, 1997
JCC pg. 2076
2075-81
CARTO 40-C*



PHILLIS BEAUBIEN'S SUB'N
SECOR & DAVIS SUB'N
PLAT OF THE SUB'N OF P.C. 90 BY THE HEIRS OF JAMES WITHERELL

60

FOR OFFICIAL USE ONLY

B					
A					
DESCRIPTION		DRWN	CHKD	APPO	DATE
REVISIONS					
DRAWN BY JAMES FOSTER		CHECKED			
DATE 12/12/94		APPROVED			

ALSO, CONV. TO EASEMENT OF THE N/S & E/W ALLEYS IN THE
BLOCK BOUNDED BY G.T.R.R., ST. AUBIN, FARNSWORTH AND
FREDERICK

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU

JOB NO. 01-07

DRWG. NO. X873.DGN