

TOM | SUNDAY

City of Detroit

OFFICE OF THE CITY CLERK

Jackie L. Currie
City Clerk

Vernon C. Allen
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

January 22, 1997

To: The Department or Commission Listed Below

From: The City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within the usual time limit.

/ CITY PLANNING COMMISSION /
/ PLANNING AND DEVELOPMENT DEPARTMENT /
/ DPW - CITY ENGINEERING /

2897 THE BOOMER COMPANY, requesting the vacation of Garfield Street.

SAWBOEN vol. 3 P. 55
CARTO: 40-E

3/6/97

Need to verify 100%
ownership of abut properties,
a21



The **BOOMER** Co.

2897

1940 EAST FOREST AVENUE

DETROIT, MICHIGAN 48207

313 - 832-5050

January 14, 1997

Attention: Clerk
Detroit City Council
City of Detroit
Room 200
Detroit, MI 48226

1997 JAN 17

1997 JAN 17

**Re: Request/Petition for Outright Vacating
Petitioner: The Boomer Company**

Honorable Members of the Detroit City Council:

The Boomer Company respectfully requests the outright vacating of Garfield Street, a street which has been closed off to all traffic for many years, and which has previously been the subject of grants of vacating and related approved conversion to easement status in favor of The Boomer Company over the past fourteen years.

We are seeking this outright vacating in order to proceed with construction of a flexible-use building/shed, which will allow The Boomer Company to continue expansion of its operations in Detroit on the Company's 1940 East Forest Avenue site. We anticipate immediate construction of a building which will house: (a) a "re-bar", or reinforcing bar manufacturing operation; and (b) related unloading of materials and subsequent loading of product onto railroad cars located next to the new building (via Grand Trunk railroad spur). The Boomer Company is working with Grand Trunk to coordinate that spur usage and operation.

The building contemplated for construction on a portion of Garfield is a shed, covered by a roof and enclosed partially on three sides, depending upon weather conditions. Since re-bar operations will continue year-round, weather permitting, the building/shed will be open enough to allow protection from the elements, as needed. The exact configuration of the building is not yet finalized, but any contemplated configuration may require the outright vacating of at least a portion of Garfield in order to accommodate its construction and The Boomer Company's expansion of this operation. While the outright vacating of only a portion of Garfield is acceptable, this Petition requests the outright



The BOOMER Co.

1940 EAST FOREST AVENUE

DETROIT, MICHIGAN 48207

313 - 832-5050

Detroit City Council
January 14, 1997
Page 2

vacating of that entire portion of Garfield as shown on the attached drawing/map, to allow for modifications in building construction if needed.

We have been advised that reviews and approvals are required from City departments, as well as from various utilities, including Planning and Development, Traffic Control, DPW Engineering, water, gas, electric, and public lighting. Please note that there are approximately nine poles on this Garfield easement which may carry electrical and public lighting service, that are clearly visible to an observer. We understand that further checks as to the presence of other utilities will be required.

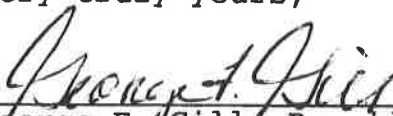
We further have been advised that the consents of abutting or adjacent real property owners are required. The Boomer Company is the owner of the adjacent property as noted on the attached drawing; please consider this Petition as including The Boomer Company's approval and consent to the request.

The following specific information is enclosed for your ease of reference: Petitioner's Information Sheet; map, annotated to show subject Garfield easement property, adjacent property, and Petitioner's property; copy of 5/11/88 Resolution re: conversion of portion of Garfield into an easement for public utilities; copy of 3/2/83 Resolution re: conversion of portion of Garfield into an easement for public utilities.

The Boomer Company appreciates the consideration of its Petition by the City Council of Detroit, and respectfully requests the granting of the Petition, which will enable The Boomer Company to enhance its current operations, continue its growth, and reaffirm its commitment to the City of Detroit. Thank you.

The Boomer Company

Very truly yours,



George F. Gill, President



GENERAL INFORMATION SHEET

Petitioner:

The Boomer Company
1940 E. Forest Avenue
Detroit, MI 48207

Petitioner's Contact Person:

George Gill
President, The Boomer Company
(313) 832-5050

Date of this Petition's filing with the City Clerk/Council:

January 15, 1997

Nature of Petition:

Request for outright vacating of Garfield Street

Additional attached documents:

1. Petition/correspondence dated January 14, 1997
2. Copy of 5/11/88 Resolution re: conversion to easement (Garfield)
3. Copy of 3/2/83 Resolution re: conversion to easement (Garfield)
4. Drawing/map, with explanatory annotations

Honorable City Council
Re: Petitioner No. 5647 - Boomer Land
Corporation Vacation of a Portion
of Garfield Avenue, between the
Grand Trunk Railroad and St.
Aubin

The above petition request the vaca-
tion of the above portion of Garfield
Avenue, 60 feet wide. The requested
vacation was approved by the Com-
munity and Economic Development
Department. The petition was then
referred to us for investigation and
report. Our report, accompanied by the
original petition is as follows:

An easement is reserved in the vacat-
ing resolution for the Detroit Edison
Company, Public Lighting Department,
Water and Sewerage and Fire Depart-
ment for the maintenance of their
installations located in the public right-
of-way to be vacated.

The petitioner has agreed to enter
into an annual maintenance agreement
with the Public Lighting Department

and has given them a check for \$305.34
for the first year's payment.

All other involved City departments
and privately-owned utility companies
reported that they have no objection
to the proposed vacation or that they
have reached satisfactory agreement
with the petitioner regarding their
installation therein.

The adoption of the attached resolu-
tion is recommended.

Respectfully submitted,
LOUIS W. KLEI
City Engineer

Approved:
JAMES W. WATTS
Director

Department of Public Works
By Council Member Eberhard:

Resolved, That all that part of Gar-
field Avenue 60 feet wide between the
Grand Trunk Railroad right-of-way and
St. Aubin Avenue lying southerly of
and abutting the southerly line of Lots
7 to 14 and the vacated 15 feet wide
north-south alley which abuts the east-
erly line of Lot 14, and lying northerly
of and abutting the northerly line of
Lots 21 to 24, all inclusive of Potters
Subdivision of the south 250.43 feet of
Outlot 24, Whiterell Farm as recorded
in Liber 10, Page 67, Plats, Wayne
County records.

Be and the same is hereby vacated
as a public street and is hereby con-
verted into an easement of the full
width of the street, which easement
shall be subject to the following cov-
enants and agreements, uses, reser-
vations and regulations, which shall be
observed by the owners of the lots
abutting on said street and by their
heirs, executors, administrators and
assigns, forever to wit:

First, said owners hereby grant to
and for the use of the Detroit Edison
Company, Public Lighting Department,
Water and Sewerage Department and
the Fire Department an easement or
right of way over said vacated public
street hereinabove described for the
purposes of maintaining, installing,
repairing, removing, or replacing pub-
lic utilities such as water mains, sew-
ers, telephone, electric light conduits
or poles or things usually placed or
installed in a public street 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.

and assigns further agree that no build-
ings or structures of any nature what-
soever including but not limited to con-
crete slabs or driveways, retaining or
partition walls (except necessary line
fence) shall be built or placed upon
said easement, nor any change or sur-
face grade made, without prior appro-
val by the above described private util-
ity company and City Departments.

Third, that if at any time in the future
the owners of any lot abutting on said
vacated street shall request the remo-
val and/or relocation of any existing
poles or other utilities in said ease-
ment, such owners, upon whose prop-
erty the poles or other utilities are
located shall pay all costs incidental to
such removal and/or relocation, unless
such charges are waived by the utility
owners.

Provided further, that if any utility
located or to be located in said prop-
erty shall break or be damaged as a
result of any action on the part of the
petitioner or assigns (by way of illus-
tration but not limitation), such as storage
of excessive weights of materials or
construction not in accordance with
Section 2 mentioned above, then in
such event the petitioner or assigns
shall be liable for all costs incidental to
the repair of such broken or damaged
utility, and be it further

Resolved, That the petitioner enter
into an annual maintenance agreement
with the Public Lighting Department
for the street lighting in the vacated
portion of street.

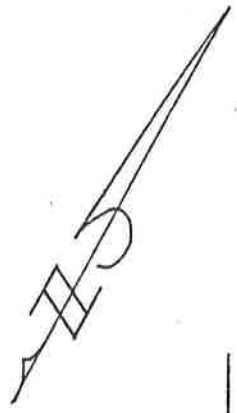
Adopted as follows:
Yeas - Council Members Cleveland,
Collins, Eberhard, Hood, Kelley, Mahaf-
ey, Peoples, Ravitz and President Hen-
derson
Nays - None

76

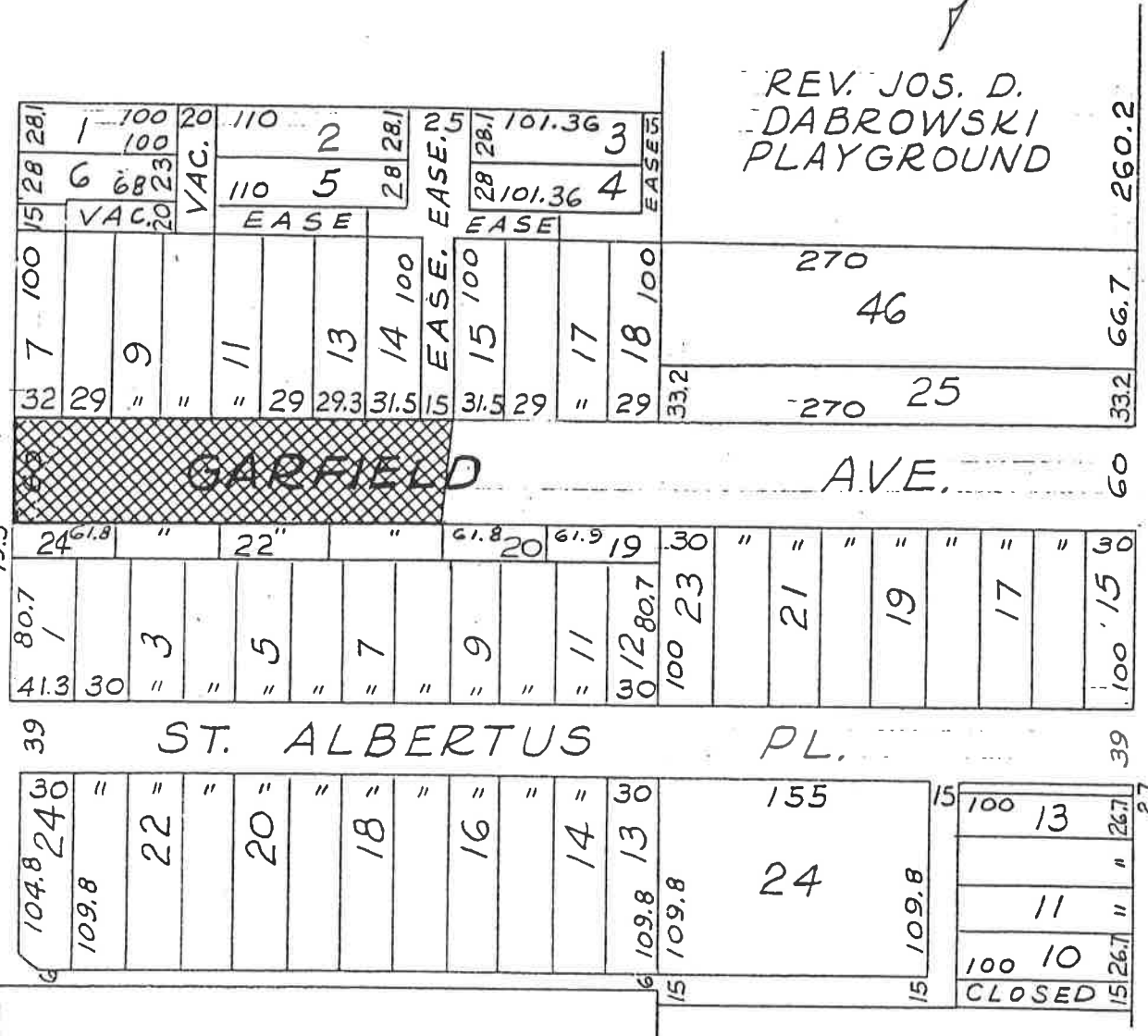
MARCH 2, 1983
J.C.C. PGS. 423-24

MARCH 2
423-021

PETITION NO. 5647
 BOOMER LAND CORP.
 ATTY. FOR PETITIONER:
 CHAS. D. TODD III
 PHONE 961-9700



GRAND TRUNK R.R.



POTTER'S SUBN.
 PERRIEN'S SUBN.
 TOPO NO. 40 E
 SCALE 1" = 100'

FOR OFFICE USE ONLY

B				
A	REVISED	DP		
DESCRIPTION		Drwn	Chkd	Appd
REVISIONS				
DRAWN BY	APPROVED			
PLUNGIS				
TRACED BY	APPROVED			
CHECKED	APPROVED			
CITY ENGINEER				

CONVERSION TO
 EASEMENT OF
 GARFIELD AVE

CITY OF DETROIT EPMD City Engineering Division
Job No. 01-01
Drwg. No. X-5647
Date 12-22-81

ST. AUBIN AVE.

City Engineering Department

April 25, 1988

Honorable City Council:

Re: Petition No. 1577 The Boomer Company Conversion to easement of a second portion of Garfield between St. Aubin and the Grand Trunk Railroad.

Petition No. 1577 of "The Boomer Company" requests the conversion of a second portion of Garfield Avenue, 60 feet wide, between St. Aubin Avenue and the Grand Trunk Railroad into an easement for public utilities.

A westerly portion of said Garfield

Avenue (60 feet wide) was converted into a utility easement by your Honorable Body on March 2, 1983 (J.C.C. pages 423 to 424).

The requested conversion into an easement for public utilities was 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 petitioner has deposited the following city department reimbursement cost:

Public Lighting Department — Accounting: \$500.00. Advance deposit for annual street lighting maintenance cost.

City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Collins:

Resolved, All that part of Garfield Avenue, 60 feet wide, between St. Aubin Avenue and the Grand Trunk Railroad (not previously vacated by the resolution of City Council on March 2, 1983—J.C.C. pages 423 to 424) lying southerly of and abutting the south line of Lots 15 to 18 as platted in "Potter's Subdivision" of the south 250.43 feet of Outlot 24, Witherell Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 67, Plats, Wayne County Records; also lying southerly of and abutting the south line of the west 210.00 feet of Lot 25 as platted in "Moran's Subdivision" of that part of Outlot 43, St. Aubin Farm, North of Fremont Street (Now Canfield Avenue), City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 58, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lots 19 and 20 as platted in the above mentioned "Potter's Subdivision," City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 67, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lots 17 to 18 as platted in the above mentioned "Moran's Subdivision," City of Detroit, Wayne County, Michigan as recorded in Liber 7, page 58, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 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 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 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 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) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the City Engineering Department.

Fourth, that if the owners of any lots abutting on said vacated street 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

Provided, Each year the petitioner shall pay the cost to maintain public street lights as required by the Public Lighting Department and

Provided, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:


Yeas — Council Members Cleveland, Collins, Ebernard, Hood, Kelley, Manafey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

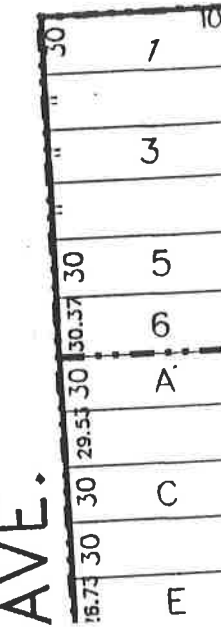
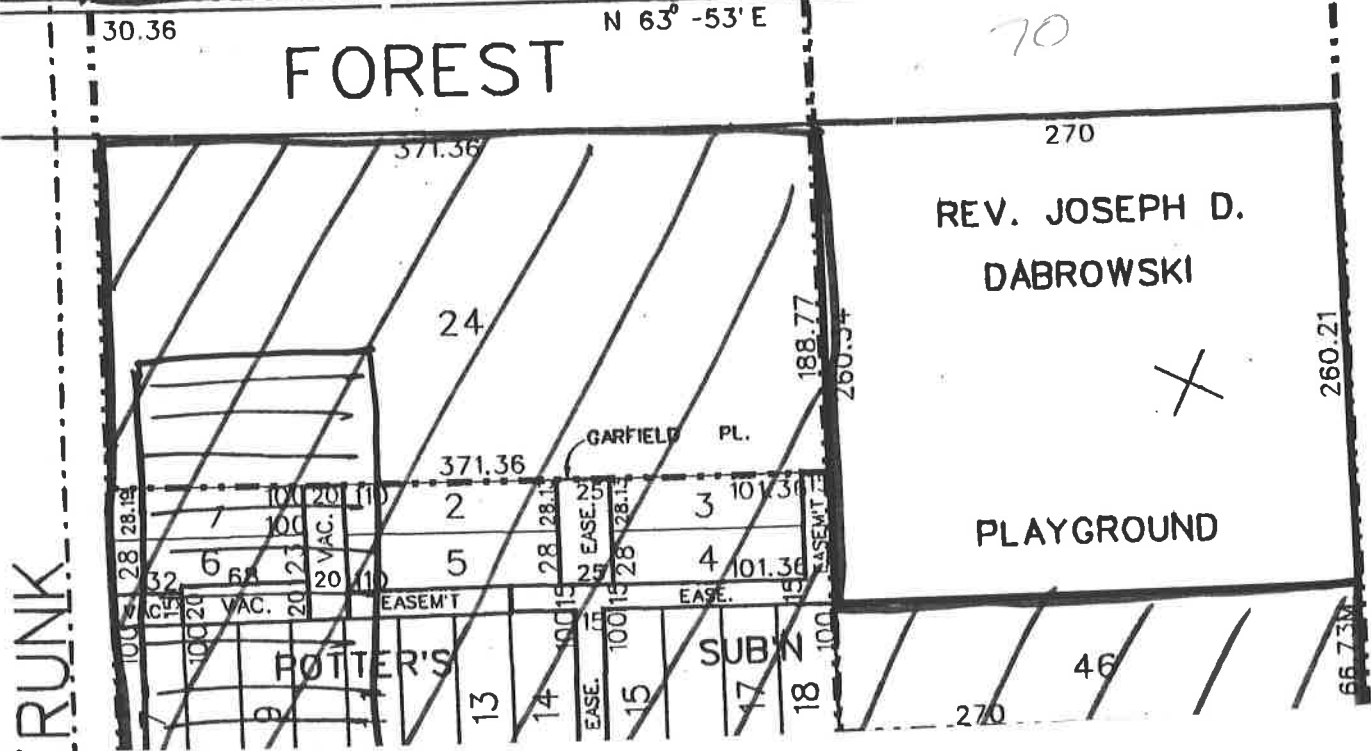
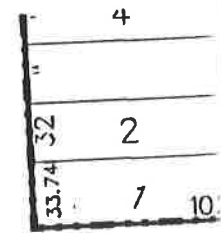
MAY 11, 1988

J.C.C. PGS. 1151-53

PROPERTY OWNED BY THE BOOMER COMPANY= 

EASEMENT WHICH IS THE SUBJECT OF PETITION= 

SITE OF PROPOSED BUILDING= 



RUNK

AVE.

