

City of Detroit

OFFICE OF THE CITY CLERK

City Engr

Jackie L. Currie
City Clerk

Vernon C. Allen
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

March 11, 1998

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/
/DPW - CITY ENGINEERING DIVISION/

0197 AUTO ZONE, requesting resolution to relinquish rights of City of Detroit to vacated alley, lots 25 - 28 of the Harry Slatkins' Plymouth Subdivision.



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Dept. 8340, P.O. Box 2198, Memphis, TN 38101-9842 * (901) 495-8811 * FAX (901) 495-8900
E-mail lisa.loesel@autozone.com

March 6, 1998

Detroit City Council
C/o Hon. Jackie L. Currie
City Clerk
City of Detroit
200 City County Building
Detroit, Michigan 48226

RE: Request for Resolution to Relinquish City of Detroit Rights to Vacated Alley
Lots 25 - 38 of the Harry Slatkin's Plymouth Subdivision
16941 Plymouth Road
Detroit, Michigan

Dear Council:

Please accept this letter as our request for a Resolution to relinquish any and all rights the City of Detroit may have in the vacated alley as set forth in the Agreement to Dedicate Twenty Foot Public Alley to City of Detroit (Liber 14415, Page 901). The document allows the City of Detroit to rededicate the public alley if the referenced property changes from its use as a grocery store or if Lots 24 - 38 are not owned by the same entity.

AutoZone plans to change the use of the property from a grocery store to a retail auto parts store which would allow the City to rededicate the public alley. Also, Lot 24 is not owned by the same entity which would again allow the City to rededicate the public alley.

We respectfully request the Council approve a Resolution to which the City will relinquish any and all rights to the alley under the Agreement to Dedicate Twenty Foot Public Alley to City of Detroit (copy attached).

Thank you for your attention and consideration of this request. Please call me at 901-495-8811 should you have any questions or require any further information.

Respectfully,

Lisa C. Loesel
Real Estate Manager
Customer Satisfaction

/osc

LISA C. LOESEL



Real Estate Manager
Customer Satisfaction

Dept. 4040
P.O. Box 2198
Memphis, TN 38101-9842

30 Madison Avenue
Memphis, TN 38103-2107

(901) 495-8811
Fax (901) 495-8900

THE BEST PARTS IN AUTO PARTS

---CITY CLERK---
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and Donald McFarlane
Michigan
County of Wayne
Area No. 12,
the Northeast
1, Harris
in Liber 31

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1961894

One Dollar(s)
mortgage recorded
before me personally
County of Wayne
MAR 3 1961
RECORDED & INDEXED
WAYNE COUNTY 26, MICHIGAN

1581062

AGREEMENT TO DEDICATE TWENTY FOOT PUBLIC ALLEY TO CITY OF DETROIT

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2042 205

The facts underlying this agreement to dedicate a twenty (20) foot public alley hereinafter described are as follows:

1. Harry Slatkin Builders, Inc. subdivided property in the City of Detroit, Wayne County, Michigan, which subdivision is known as Harry Slatkin's Plymouth Subdivision of part of the northwest 1/4 of Section 36, Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan, which plat was recorded with the Register of Deeds for Wayne County, Michigan, in Liber 71 of Plats, Page 13.
2. Harry Slatkin Builders, Inc. dedicated to the public for use as a public alley, a twenty (20) foot public alley which runs east and west between Memorial Avenue and National Avenue and which forms the northern boundary of lot 24 and lot 38 and the southern boundary of lots 25 through 37, both inclusive, of said Harry Slatkin's Plymouth Subdivision of part of northwest 1/4 of Section 36, Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan, according to the plat thereof recorded in Liber 71 of Plats, Page 13, Wayne County Records. Harry Slatkin Builders, Inc. is the owner of lot 24 and lot 38 and of lots 25 through 37, both inclusive, of said Harry Slatkin's Plymouth Subdivision.
3. There is presently located on lots 26 to 37, both inclusive of said Harry Slatkin's Plymouth

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WAYNE COUNTY 26, MICHIGAN

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Subdivision aforementioned, a supermarket building, and lots 25 through 31, both inclusive, have been utilized as a parking lot for said supermarket building.

4. The Kroger Co. presently occupies said supermarket building and has offered to lease said supermarket building, lots 25 through 37, and other property of said subdivision, and has made as a condition precedent to leasing said property the following:

"It is understood and agreed that this lease is contingent upon the Landlord's (Harry Slatkin Builders, Inc., a Michigan corporation) ability to vacate the existing 20 foot public alley which runs east and west between Memorial Avenue and Rutland Avenue and which forms the northerly boundary of lots 24 and 35, Harry Slatkin's Plymouth Subdivision.

5. Harry Slatkin Builders, Inc. has filed a petition with the Common Council for the City of Detroit to vacate said existing 20 foot public alley which runs east and west between Memorial Avenue and Rutland Avenue in Harry Slatkin's Plymouth Subdivision of part of the northwest 1/4 of Section 36, Town 1 South, Range 19 East, City of Detroit, Wayne County, Michigan.

6. The Department of Streets and Traffic have indicated that they have no objection to the vacation of said alley, provided, however, that lots 25 through 37 as well as lot 24 and the northerly 112 feet of lot 35 of the aforementioned subdivision remain under the same ownership or is held by one owner, and the property on which the supermarket building is erected is utilized for the same or similar purposes that it is presently utilized for, or in the event that there is a change in ownership wherein

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said property or lots are in the event any structures through 31 other than an addition building, the City would re-said alley so as to be able structures that may be erected 31, both inclusive.

7. Harry Slatkin that, if the City of Detroit get forth, and subsequently 37, both inclusive, are used a supermarket or similar to prevent any structures are erected other than an addition to the event that there is any lots 24 through 37 and the are not owned by one person rededicated to the City of location as appears from the Plymouth Subdivision of part Section 36, Town 1 South, Wayne County, Michigan.

NOW, THEREFORE, ing, Harry Slatkin Builders the event the City of Detroit public alley, pursuant to which alley runs east and Rutland Avenue and which forms lots 24 and 35 and the sou

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said property or lots are owned by different owners, or in the event any structures are erected upon lots 24 through 31 other than an addition to said supermarket building, the City would require the rededication of said alley so as to be able to properly service said structures that may be erected on said lots 24 through 31, both inclusive.

7. Harry Slatkin Builders, Inc. has agreed that, if the City of Detroit vacates the alley hereinabove set forth, and subsequently in the event lots 32 through 37, both inclusive, are utilized for purposes other than a supermarket or similar trade or business, or in the event any structures are erected upon lots 25 through 31 other than an addition to the supermarket building, or in the event that there is any change in ownership wherein lots 24 through 37 and the northerly 112 feet of lot 38 are not owned by one person, the alley so vacated will be rededicated to the City of Detroit in precisely the same location as appears from the plat of Harry Slatkin's Plymouth Subdivision of part of the Northwest 1/4 of Section 35, Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan.

NOW, THEREFORE, in consideration of the foregoing, Harry Slatkin Builders, Inc. hereby agrees that in the event the City of Detroit vacates the existing 20 foot public alley, pursuant to its petition to vacate same, which alley runs east and west between Memorial Avenue and Rutland Avenue and which forms the northerly boundary of lots 24 and 38 and the southerly boundary of lots 25

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through 37 of Harry Slatkin's Plymouth Subdivision of part of the northwest 1/4 of Section 36, Town 1 South, Range 10 East, that it, its successors and assigns agree to rededicate said public alley in the event that lots 32 through 37, both inclusive, are utilized for purposes other than a supermarket building, trade or business, or in the event any structures are erected upon lots 25 through 31 other than an addition to the supermarket building, or in the event that there is any change in ownership wherein lots 24 through 37 and the north-only 112 feet of lot 38 are not owned by one person.

This agreement shall be binding upon Harry Slatkin Builders, Inc., its successors and assigns, and shall be recorded with the Register of Deeds for Wayne County, and be notice to all persons of the obligation of Harry Slatkin Builders, Inc., its successors and assigns, to rededicate said alley upon the occurrence of any of the events hereinabove set forth.

IN WITNESS WHEREOF, Harry Slatkin Builders, Inc., has hereunto set its hand and seal this 1st day of December, 1960.

IN PRESENCE OF:

Joseph B. Slatkin
Joseph B. Slatkin
Eva Garelik
Eva Garelik

HARRY SLATKIN BUILDERS, INC.

By *Harry Slatkin*
Harry Slatkin
Its President
And *Irvin Hermanoff*
Irvin Hermanoff
Its Secretary



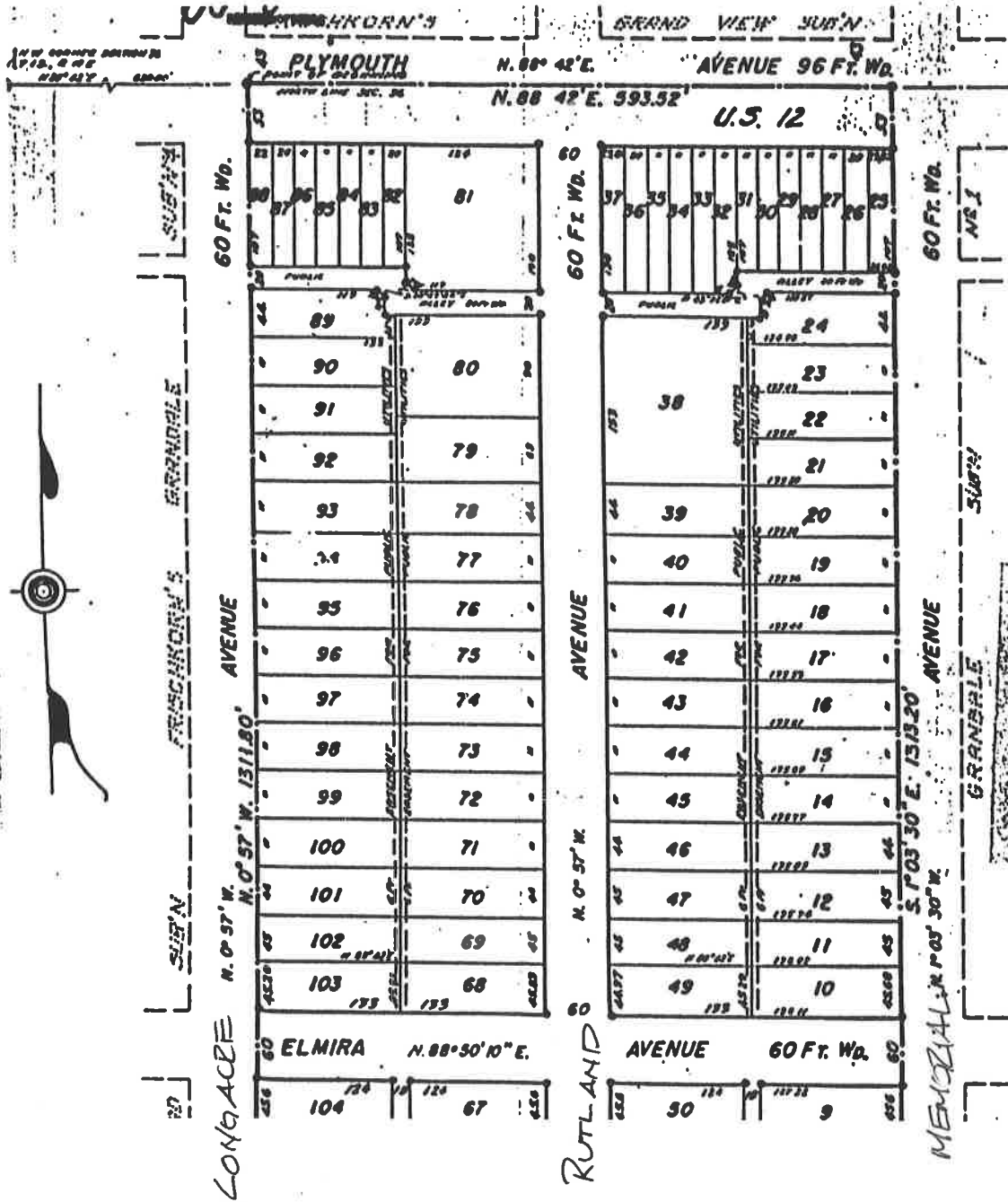
STATE OF MICHIGAN
COUNTY OF WAYNE SS.

On this 1st day of December, 1960, before me, personally appeared Harry Slatkin and Irvin Hermanoff, to me personally known, who being by me sworn, did each for himself say that he is the President and Secretary of Harry Slatkin Builders, Inc., the corporation named in

L14415 PMS14

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HARRY SLATKIN'S PLYMOUTH SUBDIVISION
of part of NW 1/4 of Section 36, T. 1 S., R.
10 E., City of Detroit, Wayne County, Mich.
L. 71, P. 13 Plats.



BK
34-26

CARTO. No. 100-B