

Sunday

7 JUN 99 10:12

--CITY CLERK--



AUNT MID PRODUCE CO.

7939 West Lafayette • Detroit, Michigan 48209
Office: (313) 841-7911 • Fax: (313) 841-6220

1573
Petition Number

June 1, 1999

Detroit City Council
City-County Building
Room 200
Detroit, MI 48226



**Re: Petition to Vacate
West Lafayette Street**

To Members of City Council:

The undersigned property owners on behalf of Aunt Mid Produce Company, hereby respectfully request that the City of Detroit vacate the portion of West Lafayette consisting of approximately 150 feet and lying between Springwells and Grand Trunk Railroad in order to allow for the creation of a private road.

Since 1984, Aunt Mid Produce Company, located at 7939 W. Lafayette, has been maintaining that portion of West Lafayette between Springwells and Grand Trunk Railroad. With permission from City Engineering, maintenance has included a complete repaving of the subject street. In addition, the Company has continuously worked to combat graffiti and vandalism in an effort to improve the overall area and promote the environment for the public and its employees.

Also since 1984 use by the general public of this section of West Lafayette Street has been non-existent because the street ends at the Company's parking lot and no other properties use it for ingress or egress. A decision to vacate is sure to benefit the public in that the Company will remain in its current location, improve the surrounding area, continue to employ a work force consisting mostly of Detroit residents and continue to maintain the road in a first class manner which will relieve the City of the cost of doing so .

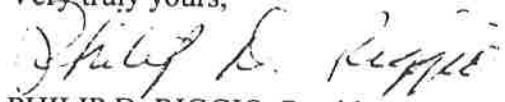
The subject street's current status as a "public road" limits the Company in the type and extent of maintenance and improvements that can be made. The Company conducts a food processing business at the subject location which requires an exterior environment which is as dust-free as possible in order to assure a high level of product quality and to comply with the U.S. Department of Agriculture standards. Without the complete freedom to maintain and improve the street, the Company faces the possibility of Department of Agriculture violations for dirt and dust churned up

Detroit City Council
June 1, 1999
Page 2

from this neglected public street. The dirt and dust inherent to this neglected street has also been problematic to the over all efficiency of the Company's refrigeration system and has resulted in significant unexpected costs.

For the above stated reasons, we respectfully request that the City Council, with assistance from City Engineering, approve the request that the City of Detroit vacate the portion of West Lafayette between Springwells and Grand Trunk Railroad and allow it to be used as a private road.. Such a decision will benefit not only Aunt Mid Produce Company and its employees, but the general public as a whole.

Very truly yours,



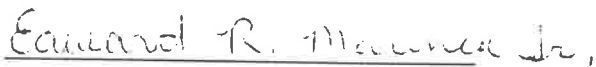
PHILIP D. RIGGIO, President

AUNT MID PRODUCE COMPANY

PJRkvh/aunt mid detroit

cc: James Foster
Sunday Jaiyesimi

The undersigned property owners hereby consent to the petition to the City of Detroit to vacate West Lafayette between Springwells and Grand Trunk Railroad.



EDWARD MARINEA

1101 Springwells



VINCE PERFILI

7978 Lafayette

CITY OF DETROIT



OFFICE OF THE CITY CLERK

It is a pleasure to acknowledge your recent communication. We have forwarded it to the City Council for their consideration. For reference, please refer to

Petition No. 1573

JACKIE L. CURRIE
City Clerk

J. Foster

City of Detroit

OFFICE OF THE CITY CLERK

Jackie L. Currie
City Clerk

313925

99 JUN 11 10 13

Vernon C. Allen
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

June 9, 1999

To: The Department or Commission Listed Below

From: Jackie L. Currie
Detroit 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.

/PUBLIC WORKS DEPARTMENT- CITY ENGINEERING DIVISION/

1573 Aunt Mid Produce Company, requesting vacation of W. Lafayette in the area of Springwells and the Grand Trunk Railroad.

(JEI)



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Detroit City Council
City-County Building
Room 200
Detroit, MI 48226

**Re: Petition to Vacate
West Lafayette Street**

To Members of City Council:

The undersigned property owners on behalf of Aunt Mid Produce Company, hereby respectfully request that the City of Detroit vacate the portion of West Lafayette consisting of approximately 150 feet and lying between Springwells and Grand Trunk Railroad in order to allow for the creation of a private road.

Since 1984, Aunt Mid Produce Company, located at 7939 W. Lafayette, has been maintaining that portion of West Lafayette between Springwells and Grand Trunk Railroad. With permission from City Engineering, maintenance has included a complete repaving of the subject street. In addition, the Company has continuously worked to combat graffiti and vandalism in an effort to improve the overall area and promote the environment for the public and its employees.

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May 11, 2000

Honorable City Council:

RE: Petition No. 1573 – Aunt Mid Produce Company, requesting vacation of W. Lafayette in the area of Springwells and the Grand Trunk Railroad.

Petition No. 1573 of “Aunt Mid Produce Company” 7939 West Lafayette, Detroit, Michigan 48209, requests for the conversion of West Lafayette Street, 50 feet wide, between Springwells Street, 66 feet wide, and the New York Central Railroad into a private easement for public utilities.

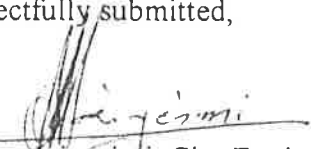
The request was approved by the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The petitioner plans to use the paved street return entrance (into Springwells Street) and request such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,


Sunday Jayesimi, City Engineer
City Engineering Division – DPW

JDF: jdf

Cc: Stephanie R. Green, Interim Director – DPW
Gerarda McCarthy, Mayor’s Office

BY COUNCIL MEMBER: _____

RESOLVED, All that part of West Lafayette Street, 50 feet wide, between Springwells Street and New York Central Railroad, lying southerly of and abutting the south line of Lot(s) 77, 82, 83 and the vacated alley, 20 feet wide, and lying northerly of and abutting the north line of Lot(s) 72 – 76, both inclusive, of “Sage’s Subdivision of Lot 1 of the Subdivision of O.L.5 of the Subdivision of the Ship Yard Tract and Lot 14 and the north 208.89 feet of Lot 13 of the Subdivision of P.C. 718”, Township of Springwells, Wayne County, Michigan as recorded in Liber 9, Page 77 Plats, Wayne County Records; Also, that part of Lafayette Street, 50 feet wide, abutting the south line of the east 258.73 feet of Lot 285 and abutting the north line of the east 330.07 feet of Lot 285 (confirmed by court December 19, 1912; referred to council December 31, 1912) of “Rathbone’s Subdivision of O.L. 4 of the Subdivision of the Ship Yard Tract”, Springwells, Wayne County, Michigan as recorded in Liber 11, Page 42 Plats, Wayne County Records

Be and the same is hereby vacated as a public street and is hereby converted into private a easement for public utilities 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 task, 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, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division – DPW,

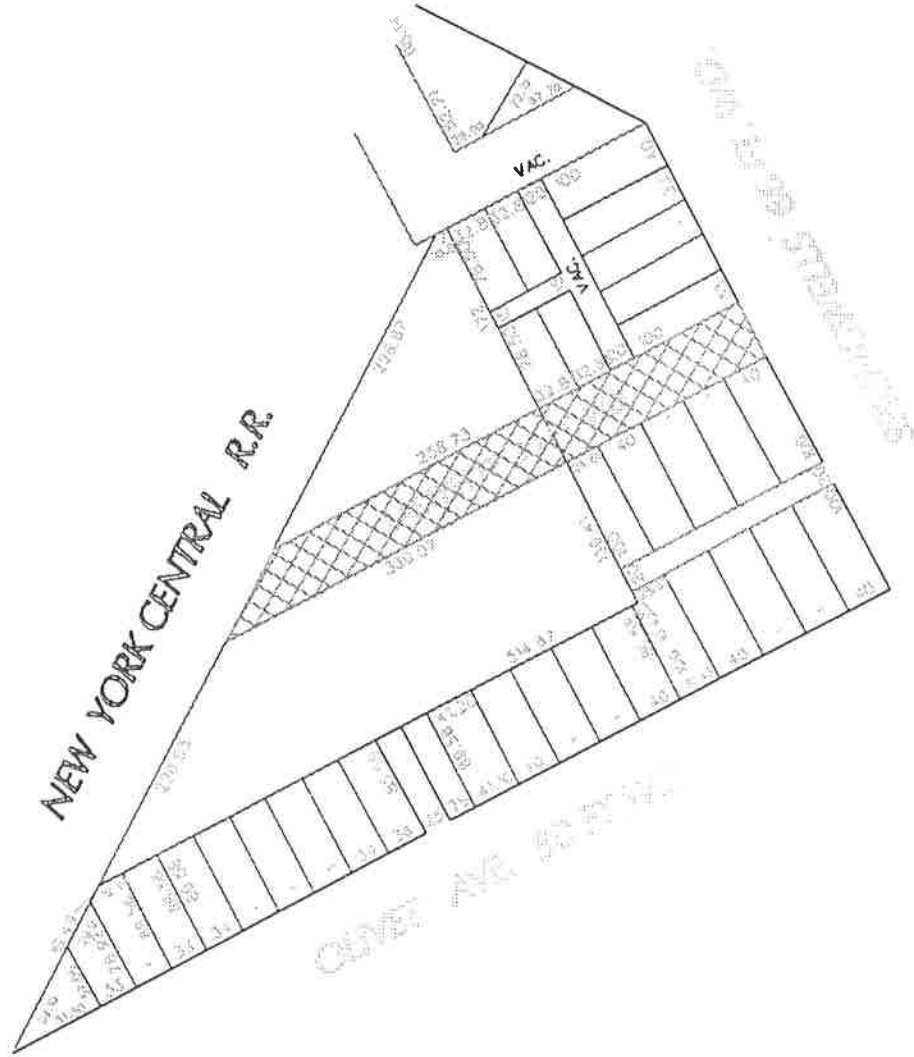
Fourth, That if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 further

PROVIDED, That if it becomes necessary to remove the paved street return at the entrance (into Springwells Street), 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 heir or assigns; and be it further

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

PETITION NO. 1573
 AUNT MID PRODUCE CO.
 7939 W. LAFAYETTE
 C/O LISA ROWE
 PHONE 313.963.7500
 FAX 313.963.8458



REQUESTED CONVERSION TO EASEMENT

CARTO. 2-F

B					
A					
DESCRIPTION	DRWN	CHEK	APPD	DATE	
REVISIONS					
DRAWN BY	N.R.P		CHECKED		
DATE	6.9.99		APPROVED		

REQUESTED CONVERSION TO EASEMENT OF
 W. LAFAYETTE 50 FT.WD. BTWN. NEW YORK
 CENTRAL R.R. AND SPRINGWELLS

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X1573.DCN