

# City of Detroit

## CITY COUNCIL

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President

Maryann Mahaffey  
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Clyde Cleveland  
Kenneth V. Cockrel Jr.  
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Alberta Tinsley-Talabi

November 15, 1999

Ms. Stephanie Green, Interim Director  
Department of Public Works

Ms. Marsha Bruhn, Director  
City Planning Commission

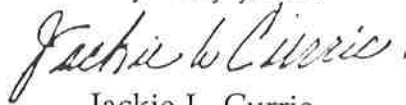
Mr. Paul Bernard, Director  
Planning & Development Department

**RE: PETITION OF LEVY CORPORATION (#2112) TO VACATE A  
PORTION OF FORDALE STREET**

During the Committee of the Whole meeting on Friday, November 12, 1999, Council Member Kenneth Cockrel, Jr., submitted the attached petition and requested it be forwarded to your respective departments for consideration and appropriate action. A copy of the petition is attached for your information.

Please respond by **MONDAY, NOVEMBER 29, 1999** when this matter will again appear on the City Council Daily Calendar as a line item.

Very truly yours,



Jackie L. Currie  
Detroit City Clerk

JLC/cm

cc: Freman Hendrix, Deputy Mayor  
Glenn Oliver, Executive Assistant to the Mayor  
Gerarda McCarthy, Legislative Liaison to the Mayor

Attachments

Jackie L. Currie, City Clerk

Coleman A. Young Municipal Center • 2 Woodward Avenue • Suite 200 • Detroit, Michigan 48226  
(313) 224-3266



City of Detroit  
CITY COUNCIL

*50 100 110 120*

KENNETH V. COCKREL, JR.  
COUNCIL MEMBER

MEMORANDUM

TO: Colleagues  
FROM: Kenneth V. Cockrel, Jr. *K.V.C.*  
Council Member  
DATE: Nov. 12, 1999  
RE: Attached letter from Levy Corporation

Please see the attached letter from Levy Crporation requesting vacation of a portion of Fordale St. in Detroit.

Having met with Mr. Paul Deller of Levy and having viewed the street in question, I think there is merit to this request. I'm requesting that this matter be reviewed to the Traffic Engineering Section of the Department of Public Works, as well as any other relevant departments, for their review.

Assuming there is concurrence with this request, I would like to see this matter acted on as quickly as possible. I further request that the DPW report back to us within 14 days.

Thank you.

cc. Gerarda McCarthy, Mayor's Office  
Stephanie Green, DPW

*rec'd at [unclear] refer to DPW  
[unclear] APC, P+DD, DPW*

NOV - 5 1999

*October 14, 1999*

*The Honorable Kenneth V. Cockrel, Jr.  
Member, Detroit City Council  
1340 City-County Building  
Detroit, MI 48226*

*Dear Ken,*

*Enclosed is our petition to close & vacate the portion of Fordale as described in the attached petition.*

*Thank you for meeting with me, and making a personal inspection of the area.*

*We will appreciate any help you can give us in this regard.*

*Sincerely,*

*Paul S. Deller*

*EDW. C. LEVY CO.  
Paul S. Deller  
Assistant to the President*

*PSD/js*

*Enclosure*

September 20, 1999

The Honorable Kenneth V. Cockrel, Jr.  
Member, Detroit City Council  
1340 City-County Building  
Detroit, MI 48226

Dear Council Member Cockrel:

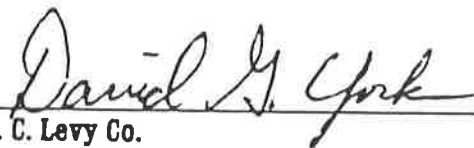
We, the undersigned, are the owners of the lands adjoining a certain portion of Fordale St., in the City of Detroit, Wayne County, Michigan as hereinafter set forth. We hereby respectfully petition the City Council to vacate the said portion of Fordale St. for the following reasons.

The portion of Fordale St. involved commences from the north side of Mellon Avenue and continuing north to the Rouge River bounded by lots 300-304, 293-297, 35 and 36 of Oakwood Boulevard Manor Sub. No. 1, Detroit, Wayne County, Michigan as is shown on the attached plot plan.

The aforesaid portion of Fordale St. has never been physically developed, does not service the public and has no usefulness as a street. The present owners of the land adjoining have no intention of developing this area for residential purposes and it would be to the best interest of these owners and the surrounding area that this portion of Fordale St. be vacated. The street is now being used for illegal dumping which can be prevented after closing. This illegal dumping presents a possible safety and health hazard.

Wherefore, your petitioners respectfully pray that the above-described portion of Fordale St. be vacated by proper resolution of the Common Council for the City of Detroit.

Very truly yours,

BY:   
Edw. C. Levy Co.  
Owner Lots 293-297, Lot 36

BY:   
Advance Truck & Trailer, Inc.  
Owner Lots 300-304

BY:   
P-R Die & Stamping Co.  
Owner Lot 35

September 20, 1999

The Honorable Kenneth V. Cockrel, Jr.  
Member, Detroit City Council  
1340 City-County Building  
Detroit, MI 48226

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BY:   
Edw. C. Levy Co.  
Owner Lots 293-297, Lot 36

BY:   
Advance Truck & Trailer, Inc.  
Owner Lots 300-304

BY:  pres.  
P-R Die & Stamping Co.  
Owner Lot 35



**City of Detroit**  
OFFICE OF THE CITY CLERK

Jackie L. Currie  
City Clerk

Vernon C. Allen  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

November 17, 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.

**/CITY PLANNING COMMISSION/PLANNING AND  
DEVELOPMENT/PUBLIC WORKS AND TRANSPORTATION  
DEPARTMENTS/**

**2112 Edward C. Levy Corporation, requesting vacation of Fordale St. in the area of Mellon Ave. and the Rouge River.**

THURSDAY, NOVEMBER 12, 1999

WALK ON

K. Cockrel: I'm circulating a memo with an attached letter from the Levy Corporation, they're requesting that a portion of Forsdale in southwest Detroit be vacated. They've provided documentation and I also had an opportunity to visit the site and I think there's merit to their request because the site is not something that's used by the public so **I'D LIKE THIS REFERRED TO DPW TRAFFIC ENGINEERING, MAYOR'S OFFICE AND ANY OTHER RELEVANT CITY DEPARTMENTS.**

C. Morman



May 1, 2000

Honorable City Council:

RE: Petition No. 2112 – Edward C. Levy Corporation, requesting vacation of Fordale St. in the area of Mellon Ave. and the Rouge River.


Petition No. 2112 of “Edward C. Levy Corporation”, 8800 Dix Ave., Detroit, Michigan 48209 requests the conversion of the remaining Fordale Street, 50 feet wide, between Mellon Avenue, 86 feet wide, and Rouge Drive (vacated October 8, 1968, J.C.C. Pgs. 2461-2) into a private easement for public utilities.

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

City departments and privately owned utility companies have reported no objection 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 remaining part of Fordale Avenue, 50 feet wide, between Mellon Avenue, 86 feet wide, and vacated Fordale Avenue, 50 feet wide (previously vacated October 8, 1968, J.C.C. Pgs. 2461-2), described as lying easterly of and abutting the east line of Lots 301 – 304, inclusive, the south 29.29 feet of Lot 300 and lying westerly of and abutting the west line of Lots 293 – 297, inclusive, the south 3.85 feet of Lot 298 and abutting the south line of vacated Fordale Avenue, 50 feet wide, of “Oakwood Boulevard Manor Subdivision No.1” of part of Private Claim 671, City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 65 Plats, Wayne County Records; Also, all that part of Fordale Avenue, 50 feet wide, lying easterly of and abutting the east line of Lot 35 and the 20 feet wide public alley and lying westerly of and abutting the west line of Lot 36 and the 20 feet wide public alley of “Oakwood Boulevard Manor Subdivision” of part of Private Claim 671, City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 89 Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private 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, concrete slabs or driveways, 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,

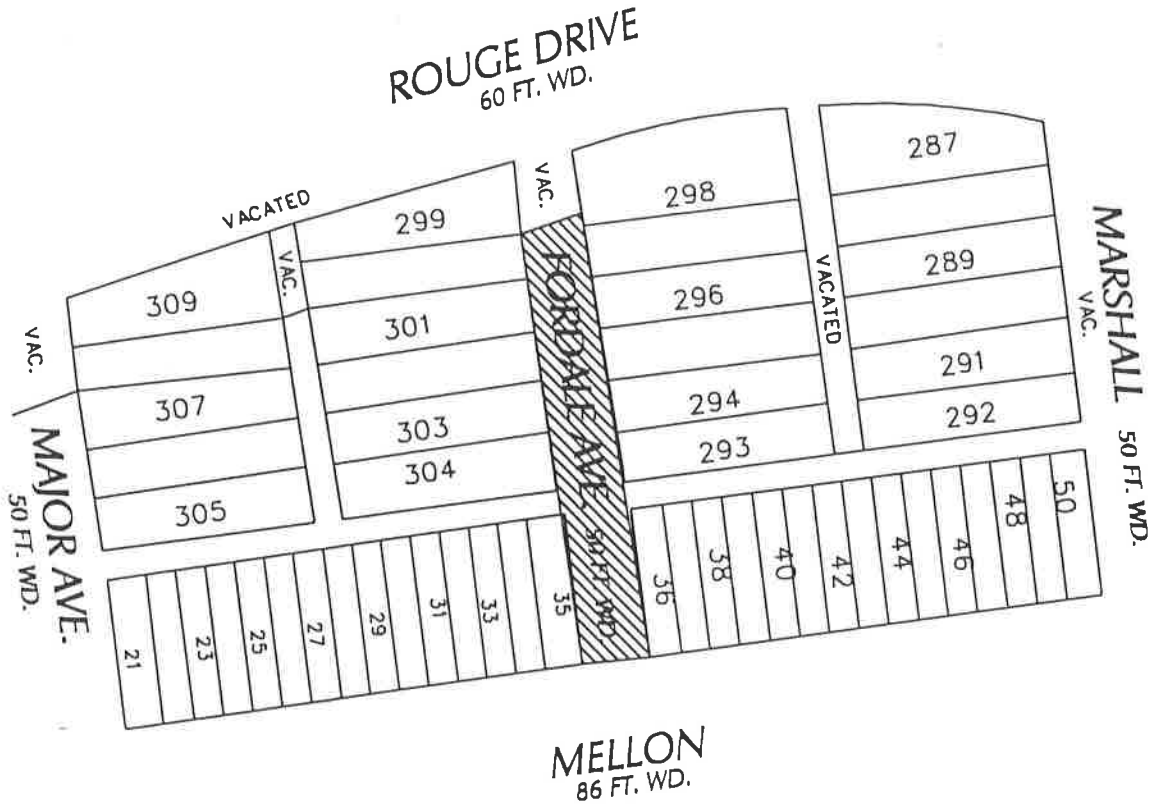
Fourth, That if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 entrances (into Mellon Avenue), 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. 2112  
 C/O PAUL S. DELER, ASST. TO VICE PRESIDENT  
 LEVY CORPORATION  
 8800 DIX AVE.  
 DETROIT, MI 48209  
 PHONE: 313.843.7200



 REQUESTING CONVERSION TO EASEMENT

CARTO 71 B,C,D  
 OAKWOOD BOULEVARD MANOR SUB'N #1

(FOR OFFICE USE ONLY)

SCALE: N.T.S.

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