

City of Detroit
OFFICE OF THE CITY CLERK

Jackie L. Currie
City Clerk

Vernon C. Allen
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

August 18, 2005

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 four (4) weeks.

/PLANNING AND DEVELOPMENT DEPARTMENT/PUBLIC WORKS
DEPARTMENT - CITY ENGINEERING DIVISION/

4204 Morgan Group LLC, requesting closure of alley and (limited access) service drive for property located at 8140 Michigan between St. Lawrence and Elmer Streets.

MORGAN GROUP

August 15, 2005

The Honorable Detroit City Council
1340 Coleman A. Young Municipal Center
2 Woodward Avenue
Detroit, Michigan 48226

Subject: *8140 Michigan Avenue*
Requesting Closure of Alley and (Limited Access) Service Drive between
St. Lawrence/Elmer Streets

16 AUG 05 10:38

--CITY CLERK--

Dear Honorable Members of the Detroit City Council:

We are writing to request closure of the alleyways and a one block, limited access service drive located at the rear of our property.

We are located at 8140 Michigan Avenue with (2) adjacent property owners located at 8100 and 8120 Michigan Avenue - No other business or property owners are effected by this proposed closures.

The proposed alley/service drive closings will permit us to better safeguard our patrons along with their property by eliminating the current configuration which permits unauthorized access to our building and parking lots via the public right-of-way (alley's) that separate the businesses from rear parking lots. Additionally, there is a history of drug sales and prostitution occurring in the service drive as well as abandoned autos Elmer Street. We believe the current condition imposes unnecessary safety and security hazards to our patrons and the surrounding community.

We provide all customers with valet parking services and in some instances we are required to cross (2) alleys that intersect our property in order to access the surface parking areas on our property. If our petition is granted we would provide future alley access to any party or adjacent business owner as we have no plans to build atop of the proposed closed areas.

The service drive in question is a one-block span located on the south side of I-94 (Edsel Ford Expressway) one block east of Lonyo Street btw St. Lawrence and Elmer Streets. The private property located to the West at the Lonyo Street entrance ramp prevents this portion of service drive in the future from connecting to any other road. Currently, this single block road provides very little to no public service and poses a potential life safety hazard.

We have worked hard to be a good neighbor preventing the abandonment of autos and dumping of assorted debris. Accordingly, we ask that Council grant us the ability to continue our support and improve our community by granting this petition.

Sincerely,


David L. Solak
Morgan Group LLC
Agent for the Owner

LVM 127
MAP 4A

dist Henderson
(313) 282-5847

Morgan Group LLC
18361 Weaver
Detroit, Michigan 48228
Phone 313.272.0951
Fax 313.272.0927

A Construction Services Company

FAX TRANSMITTAL SHEET

**CITY CLERK'S OFFICE
200 COLEMAN A. YOUNG MUNICIPAL CENTER
DETROIT, MI 48226
(313) 224-3266
(313) 224-2075 fax**

NAME: SUNDAY JAIYESIMI, CITY ENGINEER
ORGANIZATION: PUBLIC WORKS - CITY ENGINEERING
FAX: 224-3471
PHONE: 224-3953
SUBJECT: PETITION (S) 4204
PAGES:
FROM: JANITA D. GAY
DATE: 8.18.05

MESSAGE:



August 29, 2005

*Neighbor @ 8120 Michigan Avenue
Neighbor @ 8100 Michigan Avenue*

**Re: *Alley Closures @ 8140 Michigan Avenue
North of Michigan Avenue
Btw - St Lawrence & Elmer Streets***

**Subject: *Agreement with Neighbors to use Alley
for Access to their Property***

Dear Neighbors:

As you are aware, we have petitioned The Honorable Detroit City Council to close the Alley's in the rear of our building and property as referenced. Accordingly, please Consider this letter our agreement to allow access and/or use of the alley for the neighbor's located adjacent to the club located at 8140 Michigan Avenue. Additionally, we further agree not to build or construct any barrier on our property that would interfere with the garage doors at the rear of the neighbor's buildings.

*ACCESS WOULD
INCLUDE ENTRY AND EXIT THROUGH GATES TO STREET.*



Tom Moses



John Orecchio

November 17, 2005

Honorable City Council:

RE: Petition No. 4204 – Morgan Group LLC, requesting closure of alleys, streets, and service drives (with limited access) at 8140 Michigan between St. Lawrence and Elmer Avenue.

Petition No. 4204 of "Morgan Group LLC", at 18361 Weaver, Detroit, Michigan 48228, request the conversion of the North – South public alley, 20 feet wide, the East – West public alleys, 18 and 20 feet wide, and the Edsel Ford Service Drive (limited access), variable width, into private easements for utilities; also temporary close portions of St. Lawrence Avenue, 50 feet wide, and Elmer Avenue, 50 feet wide for a five year period all in the block bounded by Edsel Ford Freeway, Michigan Avenue, 100 feet wide, St. Lawrence Avenue, 50 feet wide, and Elmer Avenue, 50 feet wide. The request will provide better security and the expansion of a new surface parking lot for the Morgan Group and the adjacent property owners.

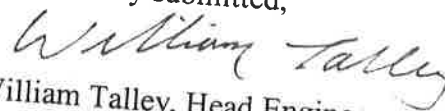
The request was approved by the Traffic Engineering Division – DPW and the Planning and Development Department. This petition was referred to the City Engineering Division – DPW for investigation and report. This is our report.

If the petitioner at any time plans to discontinue use of the paved alley entrances (into Elmer Avenue, St. Lawrence Avenue and Edsel Ford Service Drive (limited access)), the petitioner shall pay all incidental removal cost.

All other city departments and privately owned utility companies have reported no objections to the proposal, provided that have the right to ingress and egress at all times to their facilities.

An appropriate resolution, containing the necessary conditions, is attached for your consideration by your Honorable Body.

Respectfully submitted,



William Talley, Head Engineer
City Engineering Division – DPW

NRP/

Cc: James A. Jackson, Director – DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER: _____

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “Morgan Group LLC” to close a portion of St. Lawrence Avenue, 50 feet wide between Michigan Avenue, 100 feet wide, and Edsel Ford Freeway; said street lying Westerly of and abutting the West line of Lot 1989 and a line extended Northerly from the Northwest corner of said Lot to the Southerly right-of-way line of Edsel Ford Freeway, and lying Easterly of and abutting the East line of Lot 1988, all in the “Smart Farm Subdivision No.2 of Lots A,B, and C of Smart Farm Subdivision of Fractional Section 9 T.2.S.R.11.E. and part of Private Claims 41 and 36” City of Detroit, Wayne County, Michigan, as recorded in Liber 51 Page 31, Plats, Wayne County Records; on a temporary basis to expire on December 1, 2010;

ALSO, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “Morgan Group LLC and adjacent property owners” to close a portion of Elmer Avenue, 50 feet wide between Michigan Avenue, 100 feet wide, and Edsel Ford Freeway; said street lying Westerly of and abutting the West line of the South 29.40 feet of Lot 11 and lying Easterly of and abutting the East line extended Northerly from the Northeast corner of Lot 58 to the Southerly right-of-way line of Edsel Ford Freeway all in the “Elsie L. Beatcher’s Subdivision of Part of Out Lots 5 and 7 Private Claim 543 North of Michigan Avenue” City of Detroit, Wayne County, Michigan as recorded in Liber 30 Page 63, Plats, Wayne County Records; on a temporary basis to expire on December 1, 2010;

PROVIDED, That the petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public street closing; and be it further

PROVIDED, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and be it further

PROVIDED, The property owned by the petitioner and adjoining the temporary public alley closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the street; and be it further

PROVIDED, No buildings or other structures of any nature whatsoever (except necessary line fence), shall be constructed on or over the alley. The petitioner shall observe the rules and regulations of the City Engineering Division – DPW. The City of Detroit retains all rights and interests in the temporarily closed public alley. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. Further, the petitioner shall comply with all specific conditions imposed to ensure unimpeded 24-hour-per-day access to the City and utility companies; and be it further

PROVIDED, All of the petitioner's public property fence and gate installations shall be subject to the review and approval of the City Engineering Division - DPW (if necessary, in conjunction with the Traffic Engineering Division - DPW, and the Planning and Development Department); and be it further

PROVIDED, This resolution does not permit the storage of materials, displays of merchandise, or signs within the temporarily closed public alley. Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited; and be it further

PROVIDED, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division - DPW by the petitioner at the petitioner's expense; and be it further

PROVIDED, This resolution is revocable at the will, whim or caprice of the Detroit City Council without causes. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and be it further

PROVIDED, This permit shall not be assigned or transferred without the written approval of the Detroit City Council; and be it further

RESOLVED, All that part of the North - South public alley, 20 feet wide, lying Westerly of and abutting the West line of Lots 58 and 59 in the "Elsie L. Beatcher's Subdivision of Part of Out Lots 5 and 7 Private Claim 543 North of Michigan Avenue" City of Detroit, Wayne County, Michigan as recorded in Liber 30 Page 63, Plats, Wayne County Records, and lying Easterly of and abutting the East line of Lot 1989 in the "Smart Farm Subdivision No.2 of Lots A, B, and C of Smart Farm Subdivision of Fractional Section 9 T.2.S.R.11.E. and part of Private Claims 41 and 36" City of Detroit, Wayne County, Michigan, as recorded in Liber 51 Page 31, Plats, Wayne County Records;

Also, all that part of the East - West public alley, 20 feet wide, lying Northerly of and abutting the North line of Lots 44 through 51, both inclusive, in the "Smart Farm Subdivision of part of Fractional Section 9 T.2.S.R.11.E. and part of Private Claims 41 and 36" Springwells Township, (now City of Detroit), Wayne County, Michigan as recorded in Liber 34, Pages 32 and 33, Plats, Wayne County Records; and lying Southerly of and abutting the South line of Lot 1989 in the "Smart Farm Subdivision No.2 of Lots A,B, and C of Smart Farm Subdivision of Fractional Section 9 T.2.S.R.11.E. and part of Private Claims 41 and 36" City of Detroit, Wayne County, Michigan, as recorded in Liber 51 Page 31, Plats, Wayne County Records;

Also, All that part of the East - West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lots 1 through 3, both inclusive, and lying Southerly of and abutting the South line of Lot 59 all in the "Elsie L. Beatcher's Subdivision of Part of Out Lots 5 and 7 Private Claim 543 North of Michigan Avenue" City of Detroit, Wayne County, Michigan as recorded in Liber 30 Page 63, Plats, Wayne County Records;

Also, All that part of the Edsel Ford Freeway Service Drive (with limited access), variable width, between St. Lawrence Avenue, 50 feet wide, and Elmer Avenue, 50 feet wide, lying Northerly of and abutting the North line of Lot 1989 in the "Smart Farm Subdivision No.2 of Lots A, B, and C of Smart Farm Subdivision of Fractional Section 9 T.2.S.R.11.E. and part of Private Claims 41 and 36" City of Detroit, Wayne County, Michigan, as recorded in Liber 51 Page 31, Plats, Wayne County Records, and Lot 58 in the "Elsie L. Beatcher's Subdivision of Part of Out Lots 5 and 7 Private Claim 543 North of Michigan Avenue" City of Detroit, Wayne County, Michigan as recorded in Liber 30 Page 63, Plats, Wayne County Records, and lying Southerly of and abutting the South right-of-way line of Edsel Ford Freeway;

Be and the same is hereby vacated as public alleys and is hereby converted into private easements for public utilities of the full width of the alleys, which easements 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 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 alleys 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 alley in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth,

Second, Said utility easement or right-of-way in and over said vacated alleys 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 easements or rights-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 easements 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 easements, nor change of surface grade made, without prior approval of the City Engineering Division - DPW,

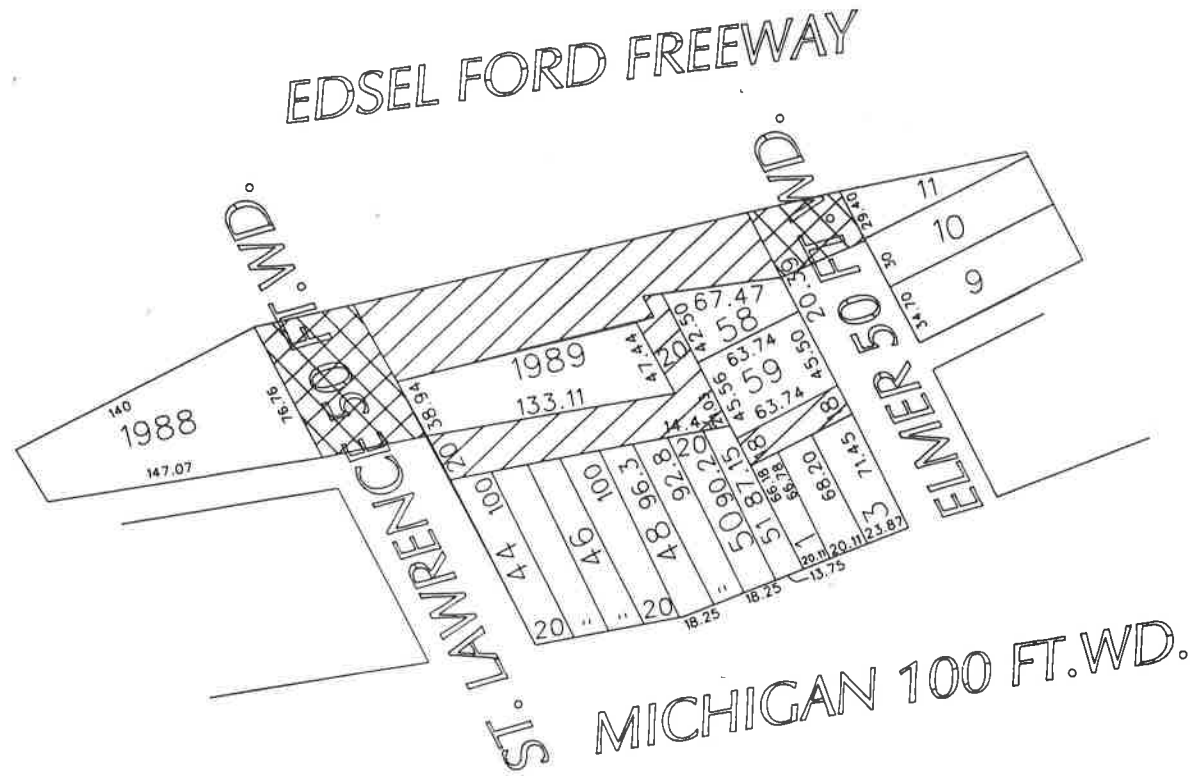
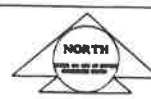
Fourth, That if the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 return at the entrances (into Elmer Avenue, St. Lawrence Avenue and Edsel Ford Service Drive (limited access)), 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.

PETITION NO. 4204
 MORGAN GROUP LLC
 18361 WEAVER
 DET., MI 48228
 c/o OTIS HENDERSON
 PHONE NO. 313-282-5847



-  - REQUESTED TEMPORARY CLOSURE
-  - REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 4 A

B					
A					
DESCRIPTION	DRWN	CHEK	APPD	DATE	
REVISIONS					
DRAWN BY	NP	CHECKED			
DATE	9-2-05	APPROVED			

REQUESTED CONVERSION TO EASEMENT AND
 TEMPORARY CLOSE CERTAIN R.O.Ws IN THE
 AREA OF ST. LAWRENCE, MICHIGAN, ELMER,
 AND EDSEL FORD FREEWAY

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. x4204.dgn

PETITION FOR CONVERSION OF ALLEY TO EASEMENT
 Detroit, MI

Date August 29 2005

TO THE HONORABLE CITY COUNCIL:

Gentlemen: We, the undersigned owners of the property abutting the alley:

North of Michigan Ave. - Between St. Lawrence & Elmer Streets
 Location of Alley

do respectfully petition your Honorable Body to vacate said alley and convert same into a public easement.

Further, the undersigned representing not less than two-thirds (66-2/3%) ownership of property abutting said alley hereby agree that all existing utilities in said alley are to remain in their present location, and that if at any time in the future a request is made to remove or relocate any existing poles or other utilities in the easement, the property owners making such request and upon whose property the pole or other utilities are located will pay all costs incurred in such removal or relocation unless such charges are waived by the utility owners.

We do further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon the easement or any part thereof, so that said easement shall be forever accessible for maintenance of utilities.

SPONSORING PETITIONER Tom Moses 8140 Michigan 313.938.5939
 (Name) (Address) (Phone No.)

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
20004720-1	<i>Thomas D. Buehler</i>	N/A	8120 Michigan Ave.	10/19/05
20004722	<i>[Signature]</i>	<i>[Signature]</i>	8100 Michigan Ave.	8/29/05

(Over)

PETITION FOR CONVERSION OF ALLEY TO EASEMENT
 Detroit, MI

Date _____ 20__

TO THE HONORABLE CITY COUNCIL:

Gentlemen: We, the undersigned owners of the property abutting the alley:

 Location of Alley

do respectfully petition your Honorable Body to vacate said alley and convert same into a public easement.

Further, the undersigned representing not less than two-thirds (66-2/3%) ownership of property abutting said alley hereby agree that all existing utilities in said alley are to remain in their present location, and that if at any time in the future a request is made to remove or relocate any existing poles or other utilities in the easement, the property owners making such request and upon whose property the pole or other utilities are located will pay all costs incurred in such removal or relocation unless such charges are waived by the utility owners.

We do further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon the easement or any part thereof, so that said easement shall be forever accessible for maintenance of utilities.

SPONSORING PETITIONER

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
44		NA	8140 Michhead	8-15
45		NA	8140 Michhead	8-15
46		NA	8136 Michhead	8-15
47		NA	8130 Michhead	8-15
1989		NA	4880 ST Lawrence	8-15
58		NA	5125 Felman	8-15
59		NA	5125 Felman	8-15

(Over)