

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, October 19, 2006

To: *The Department or Commission Listed Below*

From: *Janice M. Winfrey, 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.

DPW - CITY ENGINEERING DIVISION

1032 *Peerless Metal Powders & Abrasive, for vacation of alley and conversion to easement for property located in area of Cavalry Street at Military street.*

108
LVM 99

RECEIVED
CITY ENGINEERING DIV-DPW

OCT 20 2006

By _____

4
CED
TBD
NOEL

19



1032

October 18, 2006

Detroit City Council

SUBJECT: Alley easements required for a new 21,000 square foot manufacturing building.

Dear Council Members:

Peerless needs to expand its existing Military/Cavalry Street manufacturing facilities. This proposed 100' X 210' building will start at Cavalry Street and go west (towards Military Street) 210'. Therefore our new building will be built over the alley that runs north and south; our concrete pad will expand over the east west alley. See Exhibit "A" for alley's in questions, along with the proposed location of our new building. Also see Exhibit "B" that lists the owners of the parcels of properties shown on Exhibit "A".

Peerless has had AKT Peerless complete the Phase I environmentals, which our bank has accepted. We expect to have architect drawings to the City within several weeks after this alley issue is resolved.

Peerless needs to start construction yet this year.

Peerless is working successfully with DTE to have the electric service removed from this portion of the alley.

Looking forward to your rapid response.

Very truly yours,

Paul W. Tousley
President & CEO
Peerless Metal Powders
ptousley@peerlessmetal.com

Peerless Metal Powders & Abrasive

--CITY CLERK--

18 OCT 2006 12:05

124 South Military • Detroit, Michigan 48209
(313) 841-5400 Fax (313) 841-0240



10/18 /2006

EXHIBIT "B"

These are the current owners of the parcels of properties shown on exhibit "A", attached.

Parcel ID	Military Street Address	Cavalry Street Address	Property Owner
A	157		Peerless Metal Powders
B	161 - 163		Peerless Metal Powders
C	167 - 169		Peerless Metal Powders
D	173 - 175		Peerless Metal Powders
E	179 - 181		Peerless Metal Powders
F	185		Peerless Metal Powders
G	189		Private Dwelling - David Salazar & Maria Patino
H	195 - 199		Peerless Metal Powders
I	205		Peerless Metal Powders
J	209		Private Dwelling - Robert Cross
K	215		City of Detroit
L		148 - 150	Peerless Metal Powders
M		156 - 158	Peerless Metal Powders
N		164 - 168	Peerless Metal Powders
O		172 - 174	Peerless Metal Powders
P		298 - 300	Peerless Metal Powders
Q		306	Peerless Metal Powders
R		314	Robert, Violet & Richard Cross
S		322	Private Dwelling - Violet Cross
T		328	Peerless Metal Powders
U		332 - 334	Peerless Metal Powders
V		336 - 340	Peerless Metal Powders

Peerless Metal Powders & Abrasive

124 South Military • Detroit, Michigan 48209
(313) 841-5400 Fax (313) 841-0240

The blue ink lines show the land where we intend to construct the proposed new building.



PEERLESS METAL
POWDERS OFFICE
(124 S. Military)

**PEERLESS METAL POWDERS
(FINDS/AST)**

Alley Peerless desires to build over.
Peerless would like the alley closed to the
south edge of parcel F

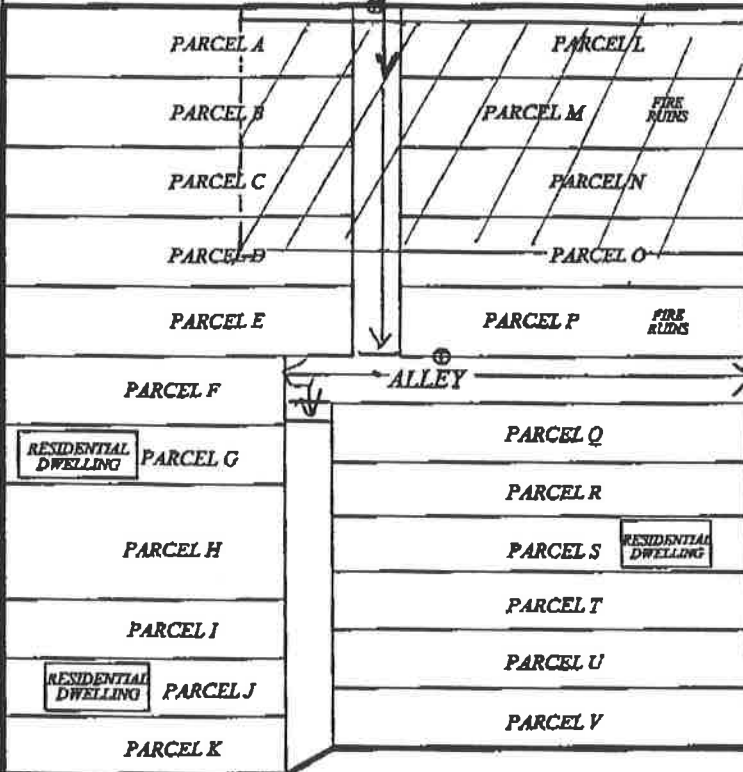
SOUTH CAVALRY STREET

SEMI-TRUCK
STORAGE

RESIDENTIAL

SOUTH MILITARY STREET

157
161-163
165-169
173-175
179-181
181
180
195-199
205
209
215



149-150
156-158
164-168
172-174
208-300
306
314
322
328
332-334
336-340

DRIGGS AVENUE

301 CAVALRY
TRUCKING YARD
(LUST, UST)

UNDEVELOPED

RESIDENTIAL AND UNDEVELOPED

LEGEND

— PROPERTY LINE

⊕ POLE MOUNTED TRANSFORMER

AKTPEERLESS
environmental services

SUBJECT PROPERTY MAP
PEERLESS METAL POWDERS
MILITARY AND CAVALRY STREETS
DETROIT, MICHIGAN
PROJECT NUMBER : 5225D

DRAWN BY: JM
DATE: 09.07.06

0 40 80
SCALE: 1" = 80' ±

FIGURE 4

February 9, 2007

Honorable City Council:

RE: Petition No. 1032 – Peerless Metal Powders & Abrasive, request for the vacation of alley and conversion to easement for the property located in the area of Cavalry Street and Military Street.

Petition No. 1032 of “Peerless Metal Powders & Abrasive” whose address is 124 Military Avenue, Detroit, Michigan 48209 request for the outright vacation and conversion to easement of certain alleys (Deeded to City of Detroit on September 5, 1911 and September 29, 1914) in the block bounded by West Jefferson Avenue, 80 feet wide, Wabash/Penn Railroad right-of-way, Military Avenue, 66 feet wide, and Cavalry Avenue, 50 feet wide. This request is to facilitate the construction of a new Manufacturing Building for the year of 2007.

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

Peerless Metal Powers & Abrasive have made two attempts to secure 100% of abutting property owners consent to the conversion to easement of a portion of the North – South public alley in the block bounded by West Jefferson Avenue, Wabash/Penn Railroad right-of-way, Military Avenue, and Cavalry Avenue. The petitioner has on file with City Engineering Division – DPW certified letters that was sent to the abutting owners on December 5, 2006 and January 17, 2007. One letter out of six was returned in favor of the closure. The other certified letters did not respond back.

The Detroit Water and Sewerage Department (DWSD) report no objections to the outright vacation and conversion to easement of the alleys provided that the sewer in the outright vacation area become a private sewer and the responsibility of the petitioner and no longer the responsibility of the City of Detroit.

Comcast Cablevision reports an estimated cost of \$216.00 for the removal and/or the rerouting of such services.

All other city departments and private utility companies have reported no objections to the changes of the public rights-of-way. Provisions protecting utility installations are part of this resolution (if necessary).

This resolution is attached for your Honorable Body for consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Nadim Haidar". The signature is written in a cursive style with a large, sweeping initial 'N'.

Nadim Haidar, Acting Head Engineer
City Engineering Division – DPW

NRP/

Cc: Cathy Square, Director – DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, All that part of the North – South public alley, 20 feet wide, (Deeded to the City of Detroit on September 29, 1914) being described as follow: the East twenty (20) feet of the West one hundred sixty-eight and a half (168 ½) feet of Lot 65 and the East twenty (20) feet of the West one hundred sixty-eight and a half (168 ½) feet of the South fifty (50) feet of Lot 66 on the East side of Military Avenue in the “Daniel Scotten’s Subdivision” of that part of P.C. 32 and the East 735.90 feet of P.C. 268 lying between Fort Street and River Road, Town of Springwells (Now City of Detroit) Wayne County, Michigan T.2S.R.11E., as recorded in Liber 9 Page 19, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions;

PROVIDED, That the sewer in the outright vacation area become a private sewer and the responsibility of the petitioner and no longer the responsibility of the City of Detroit; and further

RESOLVED, All that part of the East – West public alley, 20 feet wide, (Deeded to the City of Detroit on September 29, 1914) being described as follow: the North 20.00 feet of the East 177.00 feet of that part of Lot 58 lying West of the West line of Cavalry Avenue in the “Daniel Scotten’s Subdivision” of that part of P.C. 32 and the East 735.90 feet of P.C. 268 lying between Fort Street and River Road, Town of Springwells (Now City of Detroit) Wayne County, Michigan T.2S.R.11E., as recorded in Liber 9 Page 19, Plats, Wayne County Records;

Also, all that part of the North – South public alley, 20 and 10 feet wide, (Deeded to the City of Detroit on September 5, 1911) being described as follow: the Easterly 20.00 feet of the Westerly 140.00 feet of Lots 58 and 57, and the West 10.00 feet of the North 70.00 feet Nine (9) inches of the East 187.00 feet of Lot 50 lying west of the West line of Cavalry Avenue all in the “Daniel Scotten’s Subdivision” of that part of P.C. 32 and the East 735.90 feet of P.C. 268 lying between Fort Street and River Road, Town of Springwells (Now City of Detroit) Wayne County, Michigan T.2S.R.11E., as recorded in Liber 9 Page 19, Plats, Wayne County Records;

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:

7

First, said owners hereby grant to and for the use of the public easements or rights-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 public alleys 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; and further

Second, Said utility easements or rights-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; and further

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 easements, nor change of surface grade made, without prior approval of the City Engineering Division – DPW; and further

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; and further

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 alley return at the entrances (into Cavalry Ave.), 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 further

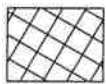
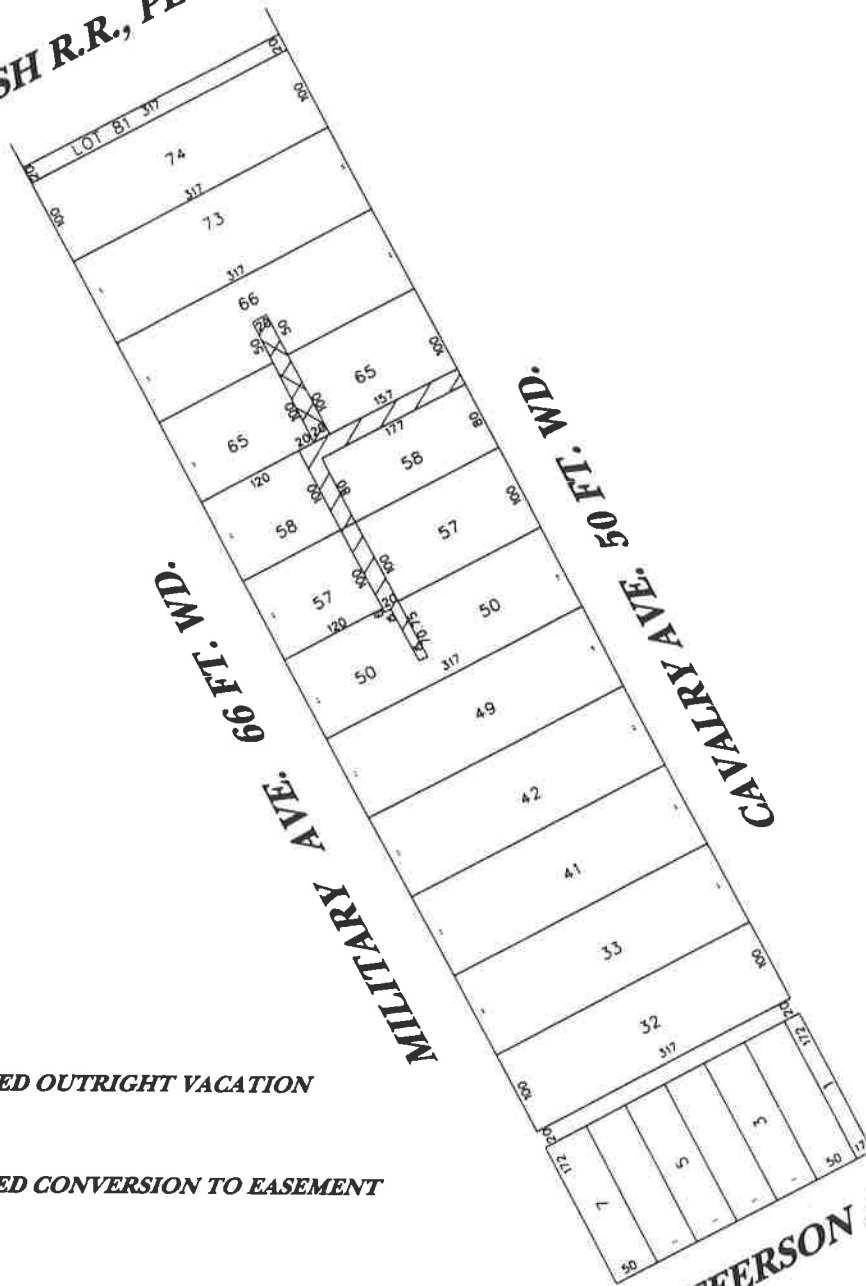
PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

RESOLVED, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following described parcel of land for the fair market value and/or other valuable consideration to Peerless Metal Powders & Abrasive:

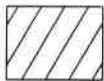
Land in the City of Detroit, Wayne County, Michigan being that part of the North – South public alley, 20 feet wide, (Deeded to the City of Detroit on September 29, 1914) being described as follow: the East twenty (20) feet of the West one hundred sixty-eight and a half (168 ½) feet of Lot 65 and the East twenty (20) feet of the West one hundred sixty-eight and a half (168 ½) feet of the South fifty (50) feet of Lot 66 on the East side of Military Avenue in the “Daniel Scotten’s Subdivision” of that part of P.C. 32 and the East 735.90 feet of P.C. 268 lying between Fort Street and River Road, Town of Springwells (Now City of Detroit) Wayne County, Michigan T.2S.R.11E., as recorded in Liber 9 Page 19, Plats, Wayne County Records;

PETITION #1032
PEERLESS METAL POWDERS & ABRASIVE
124 SOUTH MILITARY
DETROIT, MI 48209
c/o PAUL W. TOUSLEY
PHONE #313-841-0240

WABASH R.R., PENN R.R.



-REQUESTED OUTRIGHT VACATION



-REQUESTED CONVERSION TO EASEMENT

W. JEFFERSON AVE.

(FOR OFFICE USE ONLY)

CARTO 10B

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	AHB				
DATE	10/31/06				
	CHECKED				
	APPROVED				

**REQUESTED OUTRIGHT VACATION AND
 CONVERSION TO EASEMENT CERTAIN
 RIGHTS-OF-WAY IN THE AREA OF
 SOUTH CAVALRY, AND MILITARY**

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU
JOB NO. 01-01
DRWG. NO. x1032.dgn