

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

John Cannon

DEPARTMENTAL REFERENCE COMMUNICATION

Friday, November 03, 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 PLANNING AND DEVELOPMENT DEPARTMENT

1065 *Dynecol, Inc., request alley vacation for property located in area of Norfolk Southern/CSX Railroad right-of-way, foster Ave., Georgia Ave., and DeBuel Ave., and conversion to private ownership.*

50E
LVM 442

RECEIVED
CITY ENGINEERING
NOV - 3 2006

By _____

3
CEP
TRD
NOV 2

*to 100 Ave on
plans to build
DVC 5/2/9*

106

6520 GEORGIA STREET
DETROIT, MICHIGAN 48211
PHONE: (313) 571-7141
FAX: (313) 571-7190

PETITION TO VACATE ALLEY

The Honorable Detroit City Council
C/o Office of the City Clerk, Room 200
200 Coleman A Young Municipal Center
Detroit, Michigan 48226

Scott

DETROIT
CITY CLERK
100-1 P

Honorable City Council Members:

We the undersigned, owners in fee of the property abutting the alley located between the Norfolk Southern/CSX Rail Road Right of Way on the West, and the East side of the Foster Avenue Right of Way on the East, and lying in between Georgia Avenue and De Buel Avenue on the North and South, respectively, in the City of Detroit, do respectfully petition your Honorable Body to vacate said alley and convert same to private ownership as described hereafter.

Further, the undersigned represent Sixty One (61%) percent of the property owners abutting this alley and by their execution hereof, hereby agree to the following:

- I. Dynecol, Inc. seeks to abandon or relocate any electrical, telephone, cable TV, storm sewer and water services, currently located in the alley to facilitate their proposed building project
- II. Dynecol, Inc. will occupy a portion of the vacated alley to construct their new facility, and to install related process equipment, while at the same time providing access to the City of Detroit Fire Department and maintenance personnel.
- III. The real estate on which the alley is currently located will become the property of Dynecol, Inc. which Dynecol, Inc. intends to improve and maintain solely at Dynecol, Inc. expense

Petitioner desires to vacate the alley beginning at the Norfolk Southern/CSX Railroad Right of Way on the West, and terminating at the East side of De Buel Avenue on the East.

The following three (3) owners about the subject alley and Owners 1 and 2 have agreed to the requested alley vacation:

- i. Dynecol, Inc. (a Subsidiary of PVS Chemical, Inc.)
Re: 6453 De Buel Avenue, and
The property along the North side of said alley from the Railroad Right of Way to the center of De Buel Avenue
Detroit, Michigan 48211
Ward 15/001651-2
Lots 44-45
- 2. Bay Chemical Company (a Subsidiary of PVS Chemical, Inc.)
Re: 6465 De Buel Avenue
Detroit, Michigan 48211
Ward 15/001654
Lot 47

Foster 50



3. City of Detroit - P&DD
Re: 6441, 6459, 6471, 6475 and 6479 De Buel, and
That portion of Section 21 lying along the North side of the alley, East of the
center line of Foster Avenue
Detroit, Michigan 48211
Ward 15/001650, 001653, 001655, 001656, 001657
Lots 43, 46, 48, 49 and 50

It is Petitioner's intent to construct a new facility upon their property, utilizing a portion of the vacated alley for placement of process equipment, and the balance for fire truck and maintenance truck access, and other suitable purposes, including security fencing, a green belt between the proposed facility and the planned industrial development district, on site utility construction and other legitimate business purposes.

Following approval of this Petition for alley closure, Petitioner will develop architectural and engineering drawings that will, where feasible, rely on existing utilities located within the vacated alley to provide sewer and water, gas, cable TV or electrical to serve the needs of Petitioner's development project.

Petitioner shall be responsibility for and shall pay all costs incidental to the use, removal or relocation of public utilities currently located within the alley right of way, as may subsequently be mutually acceptable to Petitioner, the City of Detroit and relevant utility companies.

Petitioner proposes that any portion of the alley to be vacated shall be used for Petitioner's purposes, and become the property and responsibility of Petitioner. In the alternative, and in the event the Honorable Council of the City of Detroit determines that a portion of the alley should remain in the control and ownership of the City of Detroit, Petitioner proposes that the vacated alley be divided along the existing subdivision line; or more particularly: Ten (10') feet in favor of Petitioner to the North, and eight (8') feet in favor of the City of Detroit to the South.

Petitioner's proposed development will not interfere with any adjoining property use or development, and in particular, Petitioner's proposed development promises to create employment opportunities, reduce the inherent problems and maintenance requirements associated with residential alleys, and improve the utility, efficiency, productivity and enjoyment of Petitioner's property and business interests, while providing the impetus for the appreciation of local real estate values.

Respectfully submitted,

DYNECOL, INC.:

By: 

Its: PRESIDENT

Dated: October 19, 2006

BAY CHEMICAL COMPANY:

By: 

Its: Vice President

Dated: October 20, 2006

PLEASE DIRECT ALL CORRESPONDENCE PERTAINING TO THIS PETITION TO PETITIONER'S AGENT:

DAVID J. McCATTY
McCATTY INCORPORATED
2355 GRAYSON STREET
FERNDALE, MICHIGAN 48220-1411.
TELEPHONE: (248) 548-1010
FACSIMILE: (248) 548-1020
EMAIL ADDRESS: DJMCCATTY@MCCATTYINC.COM

F

February 12, 2007

Honorable City Council:

RE: Petition No. 1065 – Dynecol Inc., request alley vacate and converted to easement for the property located in the area of Norfolk, Southern/CSX Railroad right-of-way, Foster Avenue, George Avenue and DeBuel Avenue.

Petition No. 1065 of “Dynecol Inc.” whose address is 6520 George Avenue, Detroit, Michigan 48211, requests for the conversion of the East – West public alley, 18 and 30 feet wide, (with a portion being deeded to the City of Detroit on March 28, 1927), North of DeBuel Avenue, 50 feet wide, and between Norfolk Southern/ CSX Railroad right-of-way and Foster Avenue, 50 feet wide into a private easement for utilities. This request is to assist Dynecol Inc. in providing a Green Space and Emergency Vehicle Access point.

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.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,



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 East – West public alley, 18 and 30 feet wide, being the North 8.00 feet lying Northerly of and abutting the North line of Lots 43 through 50, both inclusive, in the “Mt. Elliott Heights Subdivision” of part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 21 T.1S.R.12E., Hamtramck Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 30 Page 82, Plats, Wayne County Records; Also the North part of East-West Public Alley Land in the City of Detroit, Wayne County, Michigan being part of a public alley confirmed by Court on March 28, 1927 and referred to Common Council April 5, 1927 and being part of the southwest $\frac{1}{4}$ of Section 21, Town 1 South, Range 12 East and being more particularly described as: Commencing at the northeast corner of Lot 50 “Mt. Elliott Heights Subdivision of part of the Southeast $\frac{1}{4}$ of the Southwest quarter of Section 21, T.1 S., R.12 E. Hamtramck Twp. Wayne County, Michigan” as recorded in Liber 30, Page 82 of Plats, Wayne County Records; thence N0045’W along the easterly line of said Lot 50 extended, said line also being the westerly line of Foster Avenue, 50 feet wide, 8.00 feet to the point of beginning; thence continuing N0045’W along said westerly line of Foster Avenue, 10.00 feet; thence S8959’30”W 214.71 feet; thence N0100’30”W 12.00 feet; thence S8959’30”W 30.00 feet to the easterly line of a railroad right-of-way; thence S0100’30”E along said railroad right-of-way 22.00 feet; thence N8959’30”E 244.75 feet to the point of beginning, containing 2,808 square feet more or less.

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities of the full width of the alley, 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 alley 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 alley 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 easement for the purpose above set forth,

Second, Said utility easement or right-of-way in and over said vacated alley 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 alley 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

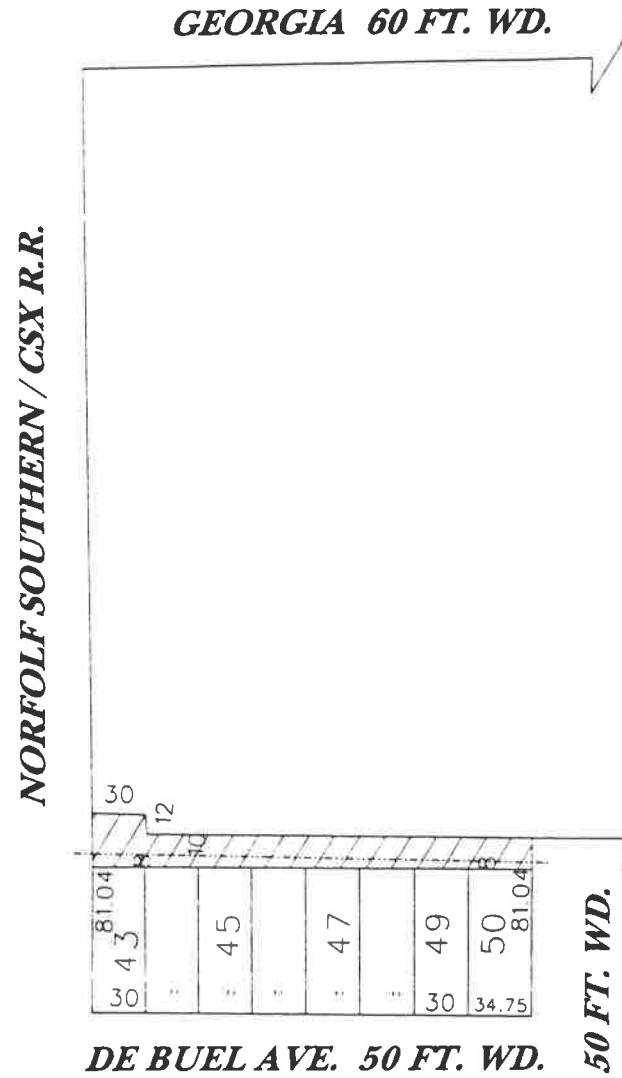
PROVIDED, That if it becomes necessary to remove the paved return at the entrance (into Foster Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting 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.

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:

Land in the City of Detroit, Wayne County, Michigan being part of a public alley confirmed by Court on March 28, 1927 and referred to Common Council April 5, 1927 and being part of the southwest $\frac{1}{4}$ of Section 21, Town 1 South, Range 12 East and being more particularly described as: Commencing at the northeast corner of Lot 50 "Mt. Elliott Heights Subdivision of part of the Southeast $\frac{1}{4}$ of the Southwest quarter of Section 21, T.1 S., R.12 E. Hamtramck Twp. Wayne County, Michigan" as recorded in Liber 30, Page 82 of Plats, Wayne County Records; thence N0045'W along the easterly line of said Lot 50 extended, said line also being the westerly line of Foster Avenue, 50 feet wide, 8.00 feet to the point of beginning; thence continuing N0045'W along said westerly line of Foster Avenue, 10.00 feet; thence S8959'30"W 214.71 feet; thence N0100'30"W 12.00 feet; thence S8959'30"W 30.00 feet to the easterly line of a railroad right-of-way; thence S0100'30"E along said railroad right-of-way 22.00 feet; thence N8959'30"E 244.75 feet to the point of beginning, containing 2,808 square feet more or less.

**PETITION #1065
 DYNECOL, INC
 6520 GEORGIA ST.
 DETROIT, MI 48211
 c/o JOHN CAUNN
 PHONE #313-571-7141
 FAX: 313-571-7190**



 **-REQUESTED CONVERSION TO EASEMENT**

(FOR OFFICE USE ONLY)

CARTO 50e

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
<i>ahb</i>					
DATE	APPROVED				
<i>11/13/06</i>					

**REQUESTED CONVERSION TO EASEMENT
 THE EAST / WEST PUBLIC ALLEY IN THE
 AREA OF FOSTER, DEBUEL, GEORGIA, AND
 NORFOLK SOUTHERN / CSX R.R.**

**CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU**

JOB NO. 01-01

DRWG. NO. x1065.dgn