

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

January 25, 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.

/PUBLIC WORKS - CITY ENGINEERING DIVISION/

0068 Paradise Properties, Inc., for vacation of alley in area of Henry Street, West Fisher Freeway Service Drive, Park Avenue, and Clifford Street.

we
CED
1-31-06

Paradise Properties, Inc.

138 West Fisher Freeway
Detroit, Michigan 48201
Tel. 313.962.2432 - Fax 313.962.2464

2068

January 19, 2006

Honorable City Council
City of Detroit
2 Coleman A. Young Municipal Center
Suite 200
Detroit, Michigan 48226

20 JAN 05 2 24 49

--CITY CLERK--

Re: Alley closure

Dear Honorable Council Members:

I am writing regarding a request to have an alley closure for the purpose of consolidating our various businesses that we operate in the City of Detroit. The boundaries of the said alley are: Henry Street to the north, West Fisher Freeway Service Drive to the South, Park Avenue to the East and Clifford Street to the West. The alley runs east and west and divides property owned by my family.

Fradys Package Express which owns the property at 128 W. Fisher Freeway consented years ago to us enclosing all of our surrounding properties to them with fencing. In addition to giving us easier access to our buildings, it also provided security for them. They have been made aware of this request and have agreed to provide a letter to you if needed stating so.

Paradise Properties, Inc. is our company used for the acquisition and leasing of our various properties, some located outside of the boundaries. The properties involved in the alley closing request are Greater Detroit Cab Company, Inc. and Greater Detroit Used Cars, both also owned and operated by myself and my family.

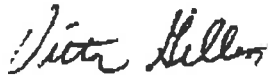
The reason that this request to legally close the alley has become so urgent is because of the attempt to relocate our Used Car location from 143 Henry Street to 138 West Fisher Freeway resulted in some unexpected obstacles. In order to meet the City of Detroit and the State of Michigan's requirements to operate a car dealership we discovered that not enough property is available south of the alley to facilitate customer/employee parking and vehicle display area with the alley not considered legally closed. When plans were first submitted to the City of Detroit Building Inspector & Plan Reviewer it appeared that it would be approved after a

hearing. Therefore the appropriate fees were paid. However, we were later contacted by Building, Safety and Engineering and informed that this was not so. After allowing for square footage for vehicle display, customer parking and Greater Detroit Cab Company employee parking, there was not enough square footage available.

We have operated Greater Detroit Used Cars for fifteen years and rely on that license to be able to purchase vehicles to be later utilized as taxicabs. Until this can be resolved I am unable to renew that license.

Any considerations you might give us will be greatly appreciated.

Sincerely,



Victor Giller
President

VG/cf

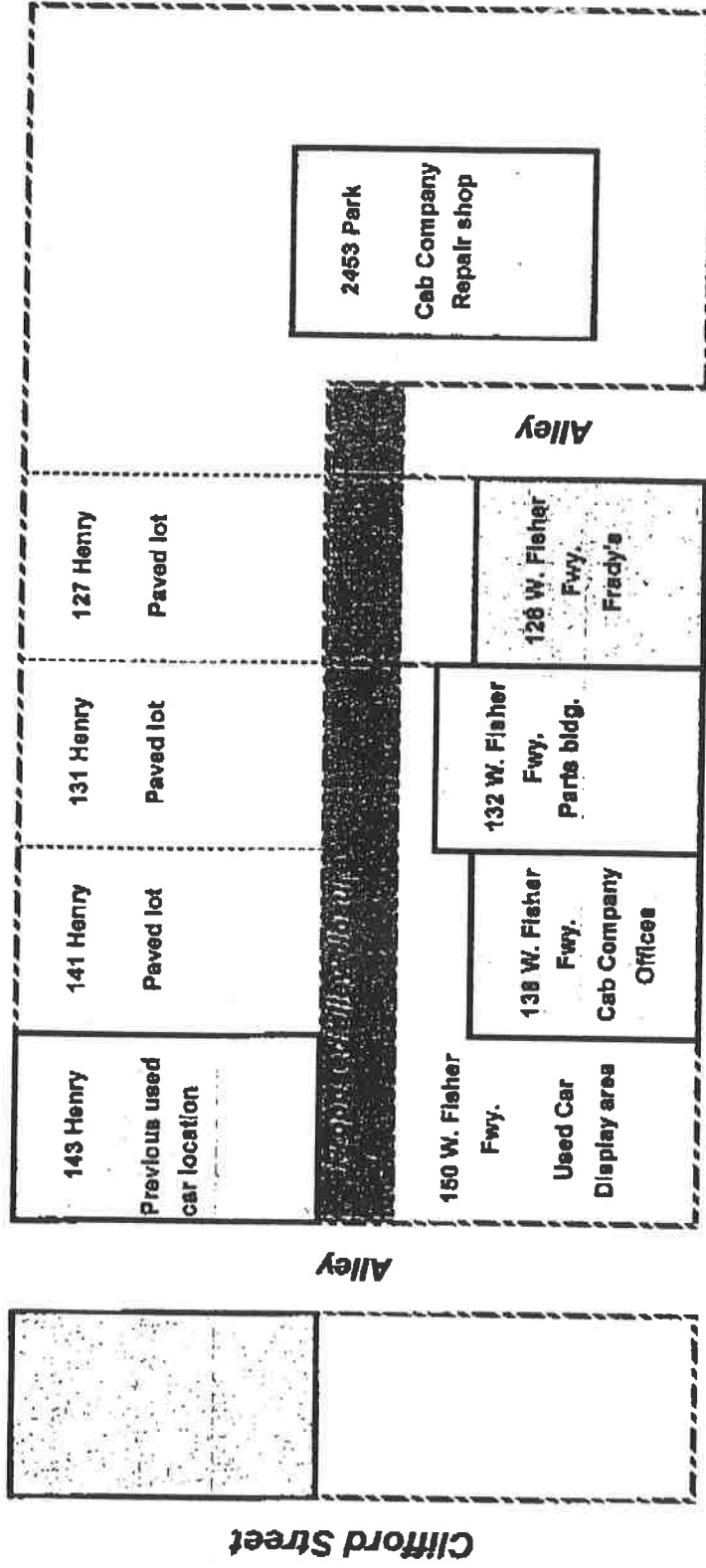
Attachments

- Site Plan Cond Land Use & BS&E Hearing fee receipts
- Diagram of area
- Copies of paid tax bills

Paradise Properties, Inc.

N

Henry Street



W

Clifford Street

Park Avenue

E

West Fisher Freeway Service Drive

S

- Properties leased to Greater Detroit Cab Company
- Non-owned properties
- Alley to be closed
- Fencing



Paradise Properties, Inc.

138 West Fisher Freeway
Detroit, Michigan 48201
Tel. 313.962.2432 - Fax 313.962.2432
Email: parprop@sbcglobal.net

April 20, 2006

Mr. Noel Perry
City of Detroit
Public Works Engineering Department
65 Cadillac Square
Suite 900
Detroit, Michigan

Re: Petition No. 0068

Dear Mr. Perry:

Per our discussions, we are requesting alley closures for those alleys surrounded by the area bounded as follows: Henry Street to the north, West Fisher Freeway to the south, Park Avenue to the east and Clifford Street to the west. This is needed for the various businesses we operate, specifically Greater Detroit Used Cars.

I have obtained written consent from the other two property owners affected by the alley closure as you requested and would appreciate any expeditious processing so that we may renew our used cars license with the State. This license is important to us as it is our main source of vehicle procurement for our transportation services.

Please contact me if you should need any additional information.

Respectfully yours,



Victor Giller
President

I, the undersigned, agree to the proposed alley closures as referenced above.



Frady's Package Express
128 W. Fisher Freeway
Detroit, MI 48201
Tel. 313-961-4869



Harry's Detroit
2482 Clifford
Detroit, MI 48201
Tel. 313-964-1575

May 31, 2006

Honorable City Council:

RE: Petition No. 0068 – Paradise Properties Inc., request for vacation of the alleys in the area of Henry Street, West Fisher Freeway Service Drive, Park Avenue, and Clifford Street.

Petition No. 0068 of "Paradise Properties Inc." at 138 West Fisher Freeway, Detroit, Michigan 48201 request the conversion of the North – South and East – West public alleys, 15, 16, and 20 feet wide, (with a portion deeded to The City of Detroit on October 2, 1917) in the block bounded by Henry Avenue, 50 feet wide, West Fisher Freeway Service Drive Northbound, Clifford Avenue, 60 feet wide, and Park Avenue, 50 feet wide into a private easement for utilities. The closure will provide Paradise Properties Inc with a continuous parcel of land for a Greater Detroit Used Car Lot.

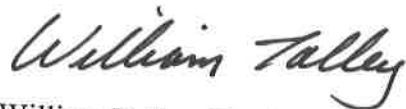
The request was approved by Solid Waste Division – DPW, and the Traffic Engineering Division – DPW. The petition was referred to City Engineering Division – DPW for investigation (utility review) and report. This is our report.

If the petitioner at any time plans to discontinue use of the paved alley return entrance (into Henry Avenue and West Fisher Freeway Service Drive Northbound), the petitioner shall pay all incidental removal cost.

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

I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in cursive script that reads "William Talley".

William Talley, 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, 16 and 15 feet wide, (a.k.a. Rambow Alley), with a portion deeded to the City of Detroit on October 2, 1917, lying Easterly of and abutting the East line of Lots 31 through 35, both inclusive, and lying Westerly of and abutting the West line of Lots 36 and 39 all in the “Plat of Duffield’s Subdivision of Part of the Park Lot’s 80 and 81” in the City of Detroit, Michigan, November 3rd 1853, Surveyed October 29, 1853 as recorded in Liber 49 Page 573, Deeds, Wayne County Records;

Also, All that part of the North – South public alley, 15 feet wide, (a.k.a. Pippin Alley) lying Easterly of and abutting the East line of Lots 38 and 41, and lying Westerly of and abutting the West line of Lots 42 through 46, both inclusive, all in the “Plat of Duffield’s Subdivision of Part of the Park Lot’s 80 and 81” in the City of Detroit, Michigan, November 3rd 1853, Surveyed October 29, 1853 as recorded in Liber 49 Page 573, Deeds, Wayne County Records;

Also, All that part of the East – West public alley, 20 feet wide, (a.k.a. Orchard Alley) lying Northerly of and abutting the North line of Lots 39 through 41, both inclusive, and lying Southerly of and abutting the South line of Lots 36 through 38, both inclusive, all in the “Plat of Duffield’s Subdivision of Part of the Park Lot’s 80 and 81” in the City of Detroit, Michigan, November 3rd 1853, Surveyed October 29, 1853 as recorded in Liber 49 Page 573, Deeds, 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 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 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 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,

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

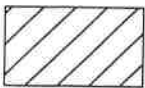
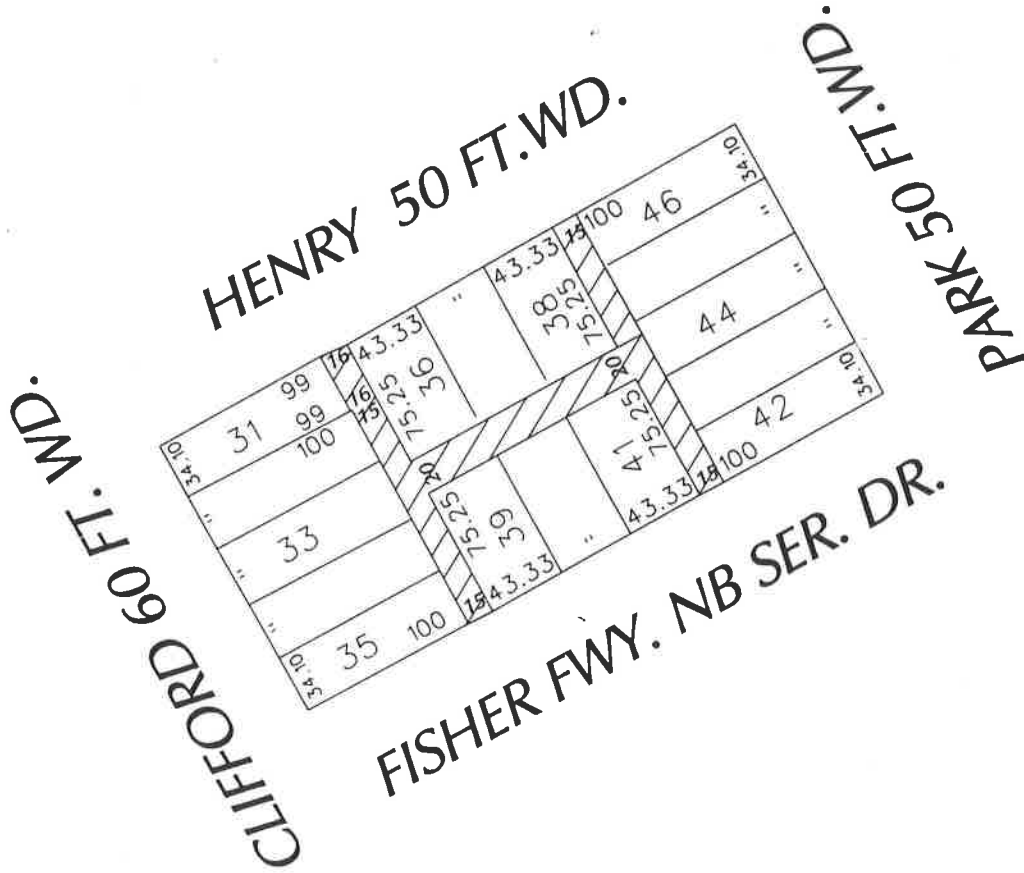
PROVIDED, That if it becomes necessary to remove the paved street return at the entrance (into Henry Avenue and West Fisher Freeway Service Drive Northbound.), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – 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 vacated public right-of-ways for the fair market value and/or other valuable consideration:

Land in the City of Detroit, County of Wayne, State of Michigan; All that part of the Easterly one (1) foot of Lot 31 in "Plat of Duffield's Subdivision of Part of the Park Lot's 80 and 81" in the City of Detroit, Michigan, November 3rd 1853, Surveyed October 29, 1853 as recorded in Liber 49 Page 573, Deeds, Wayne County Records;

PETITION NO. 0068
 PARADISE PROPERTIES INC
 138 W. FISHER FWY.
 c/o VICTOR GILLER
 PHONE NO. 313-962-2432



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 29 E

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NP	CHECKED			
DATE	4-19-06	APPROVED			

REQUESTED CONVERSION TO EASEMENT ALL
 OF THE PUBLIC ALLEYS IN THE AREA OF HERNY,
 FISHER FWY., CLIFFORD, AND PARKS.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x0068.dgn