

Arthur Simons
Chairperson
Susan Glaser
Vice-Chairperson

City of Detroit

CITY PLANNING COMMISSION
202 Coleman A. Young Municipal Center
Detroit, Michigan 48226

(313) 224-6225
E-mail: cc-cpc@ci.detroit.mi.us
Fax: (313) 224-4336

Dr. David Cason, Jr., AICP
Thomas Christensen
Robert L. Glenn

Roy Levy Williams

September 4, 2007

HONORABLE CITY COUNCIL

RE: Request of the Detroit Salt Company (petition #1188) for vacation of Dunkirk located near Oakwood Boulevard, Fort Street, and Sanders Avenue (RECOMMEND APPROVAL)

The Detroit Salt Company is requesting that a portion of South Dunkirk Avenue just west of Sanders Avenue be vacated in order for the company to prevent dumping and vagrancy.

The subject section of street measures 60 feet wide and is about 275 feet long. The street is accessed on the east by Sanders Avenue, but dead ends on the west at the Detroit Salt Company's property (please see the attachment for a map of the area).

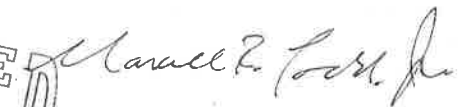
Land on the north side of South Dunkirk Avenue is vacant and apparently all owned by the Detroit Salt Company. Land on the south side of South Dunkirk Avenue and west of Sanders Avenue is developed with the Detroit Salt Company's headquarters.

All of the land adjacent to this section of Dunkirk Avenue is zoned M4 (Intensive Industrial District) which allows salt works as a conditional use.

City Planning Commission (CPC) staff visited the site and found the subject street consisting of gravel, dirt, and weeds. It is CPC staff's opinion that the proposed street closing would not disrupt vehicular circulation and would be beneficial by allowing the petitioner to prevent dumping and vagrancy. As a result, the CPC staff recommends approval of the request to vacate South Dunkirk Avenue just west of Sanders Avenue.

Respectfully submitted,

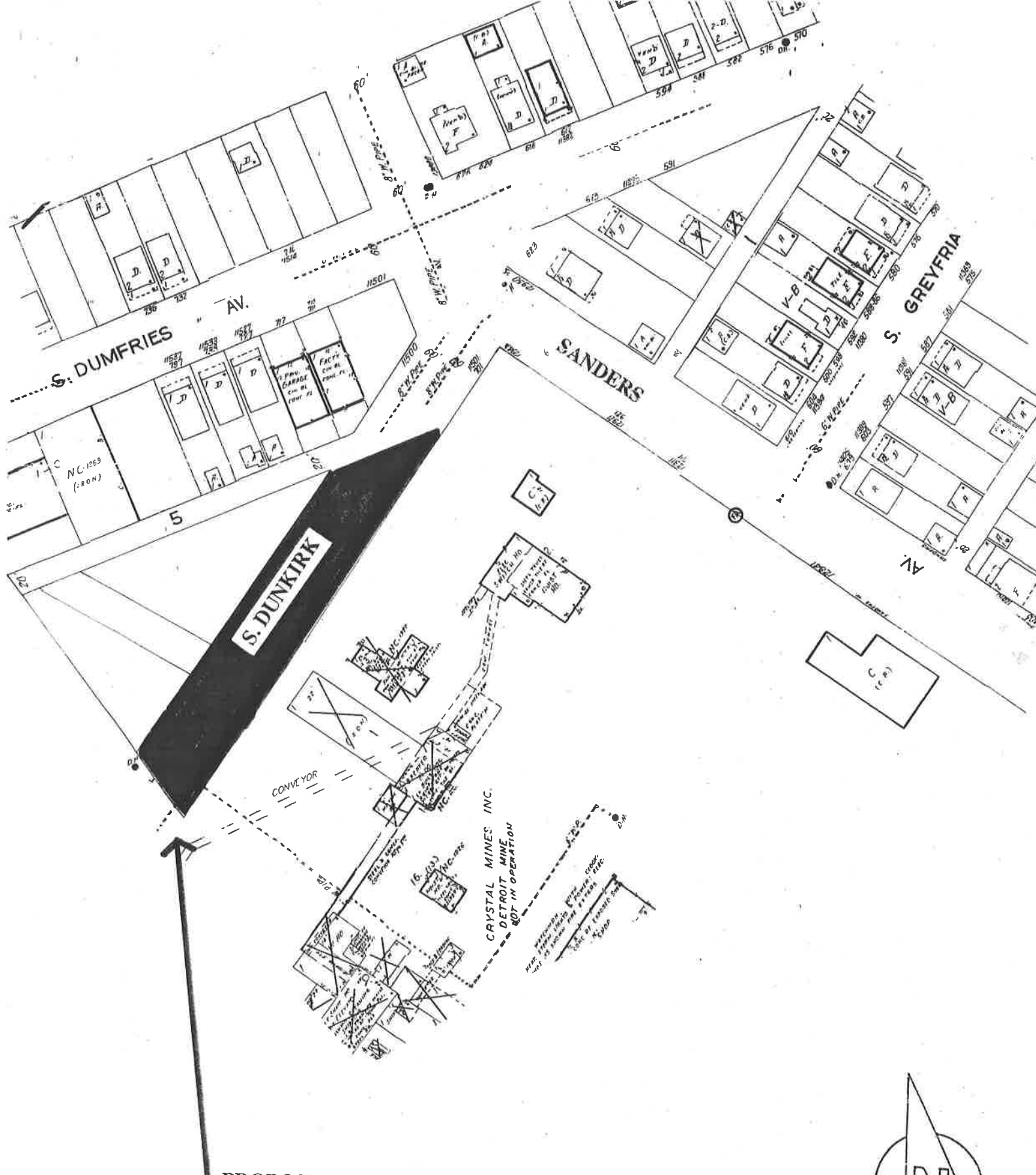
RECEIVED
SEP - 5 2007


Marcell R. Todd, Jr., Director

Christopher J. Gulock, Staff

Attachment

cc: E.Z. Manos, Detroit Salt Company
James Knoll, City Engineering
Noel Perry, City Engineering



PROPOSED STREET VACATION



July 9, 2007

Honorable City-Council:

RE: Petition No. 1188 – Detroit Salt Company, request for vacation of Dunkirk Street, located in the area of Dumfries and Sanders.

Petition No. 1188 of “Detroit Salt Company” whose address is 12841 Sanders Avenue, Detroit, Michigan 48217, request for the conversion of Dunkirk Avenue, 60 feet wide, in the area of Dumfries Avenue, 60 feet wide, and Sanders Avenue, 60 feet wide, into a private easement for utilities.

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 right-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,



Jessy Jacob, Interim City Engineer
City Engineering Division – DPW

NRP/

Cc: Cathy Square, Director – DPW
Mayor’s Office – Kandia Milton, City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, all that part of Dunkirk Avenue, 60 feet wide, South of the open public alley, 20 feet wide, lying Westerly of and abutting the West line of Lots 229 through 241, both inclusive, and lying Easterly of and abutting the East line of Lots 242 through 246, both inclusive, all in the "Irvine and Wises's Addition to Oakwood" on P.C. 119, 524, and 50, T.2S. - R.11E., Wayne County, Michigan as recorded in Liber 18, Page 52 ½, 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:

Provided, that Detroit Water and Sewerage Department forces shall have free and easy access to the water main and/or sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and/or sewer facilities. Free and easy access shall mean that no structures or storage of materials will be allowed upon the area of encroachment to hinder the movement of maintenance equipment; and further

Provided, that the proposed fence must have a gate installed to permit access for DWSD forces. The gate shall remain unlock 24 hours a day, unless a guard is stationed near the gate to allow DWSD ingress and egress at any time. The minimum dimensions of the gate shall provide 15-foot vertical and 13 feet horizontal clearances for freedom of DWSD equipment movement; and further

Provided, that should the water main and/or sewer facilities be broken or damage as a result of any action on the part of the petitioner or assigns, then in such event the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damaged water main and appurtenances, and waives all claims for damages; and further

First, said owners hereby grant to and for the use of the public 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 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 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

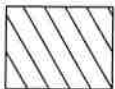
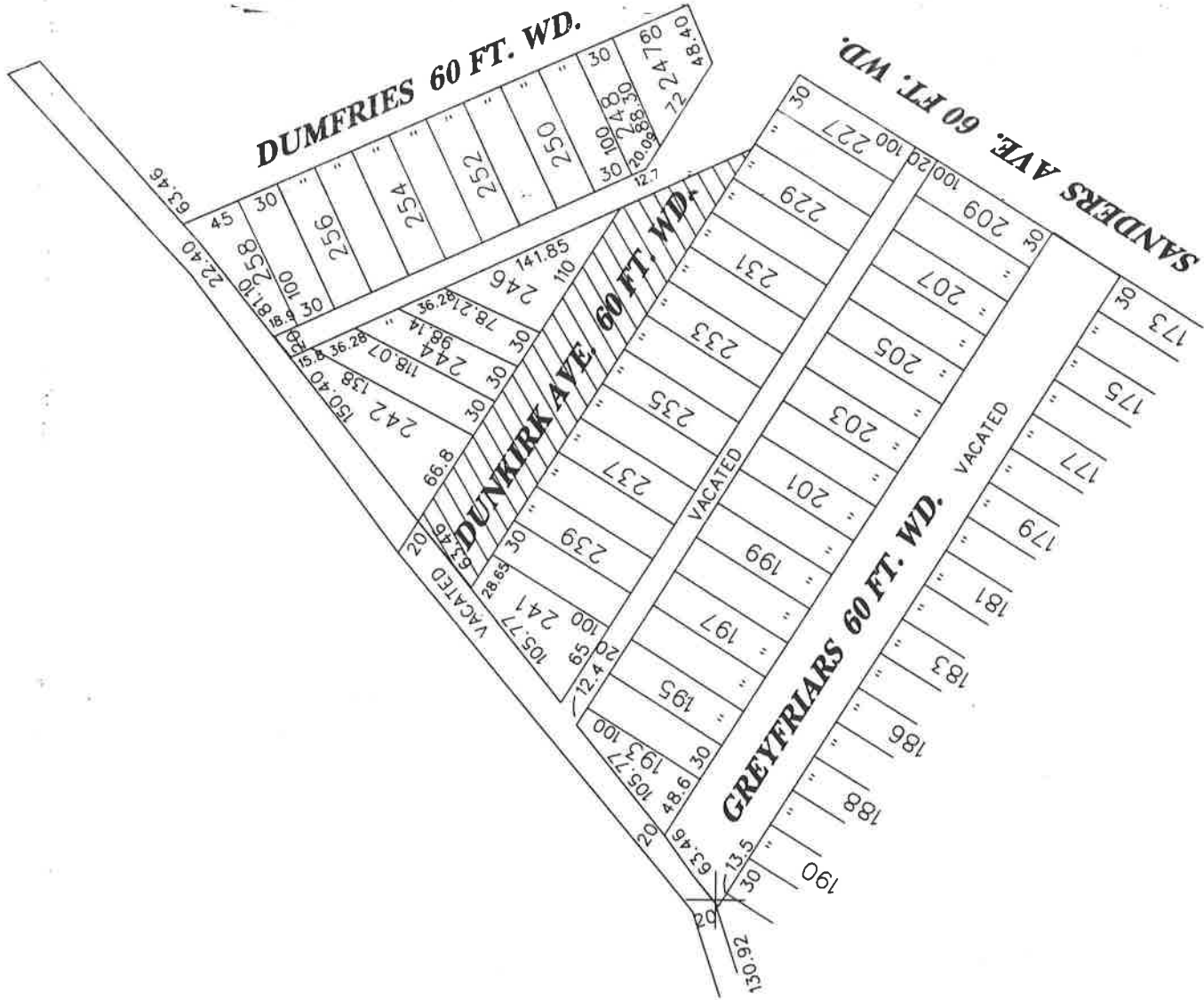
PROVIDED, That if it becomes necessary to remove the paved alley return at the entrances (into Dunkirk Avenue.), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; and 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.#1188
DETROIT SALT COMPANY
12841 SANDERS ST.
DETROIT, MI 48217
c/o E.Z. MANOS
PHONE NO.#313-541-5144



REVISED



- OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 72B

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY ahb		CHECKED			
DATE 2/13/07		APPROVED			

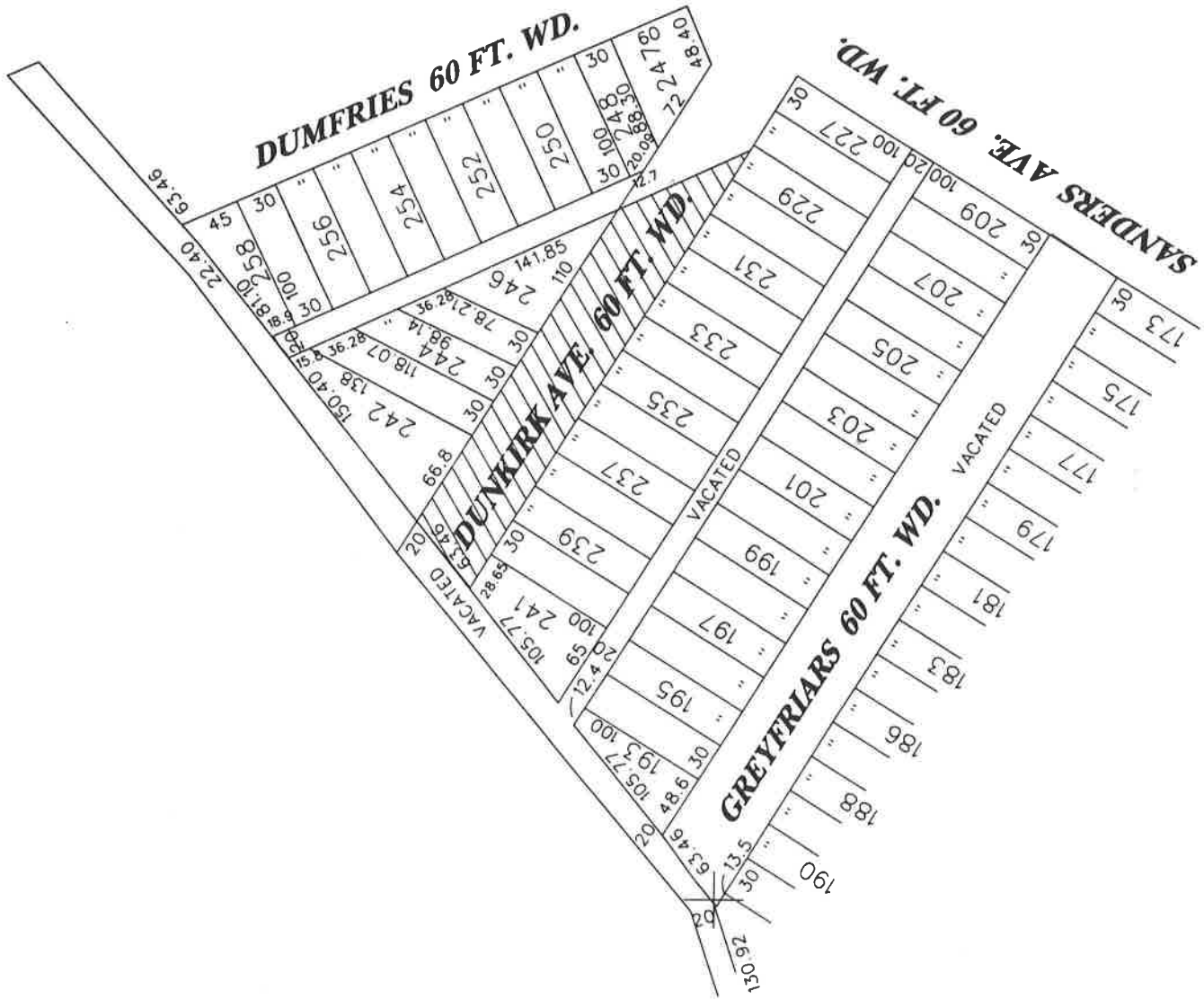
**REQUESTED THE OUTRIGHT VACATION OF
 A PORTION OF DUNKIRK 60 FT. WD. IN THE
 AREA OF SANDERS AND DUMFRIES.**

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU
JOB NO. 01-01
DRWG. NO. x1188.dgn

PETITION NO.#1188
DETROIT SALT COMPANY
12841 SANDERS ST.
DETROIT, MI 48217
c/o E.Z. MANOS
PHONE NO.#313-541-5144



REVISED



 - **OUTRIGHT VACATION**

(FOR OFFICE USE ONLY)

CARTO 72B

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
DATE	APPROVED				
abb					
2/13/07					

**REQUESTED THE OUTRIGHT VACATION OF
 A PORTION OF DUNKIRK 60 FT. WD. IN THE
 AREA OF SANDERS AND DUMFRIES.**

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. x1188.dgn