

City of Detroit
OFFICE OF THE CITY CLERK

RECEIVED
AUG 15 2008

Vivian A. Hudson
Deputy City Clerk

DONE

Janice M. Winfrey
City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Tuesday, August 12, 2008

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

2890 *Nelson Iron Works & Allstarts Trucking Company, request vacation of Benham Ave. between railroad crossing and Foster St.*

CEO
TEO

441
49c

28 JUL 03 11:39

--CITY CLERK--

2890

JULY 21, 2008

To : Honorable City Council - City of Detroit
200 CAYMC 48226

From: Allstar Trucking & Nelson Iron Works
6460 Benham
Detroit, Michigan 48211

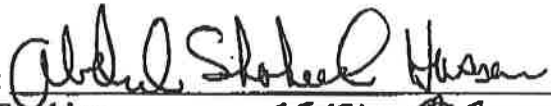
Re: Request to Vacant Benham Ave.

Dear Honorable City of Detroit - City Council:

Nelson Iron Works & Allstars Trucking Company, located at 6460 Benham Ave., Detroit, Michigan 48211. Appeal to the City of Detroit - City Council to request that Benham Ave. between the Railroad Crossing and Foster St. be "Vacated" as it serves no purpose except for Allstar Trucking & Nelson Iron Works. Recently this area of Benham was closed per the railroad crossing in July, 2004 also it was closed by this Honorable Council in 1995. The railroad Conrail has install concrete barriers that prevent any through traffic except for Allstar Trucking from the railroad crossing east to Foster St. and it prevents any traffic except for Nelson Iron Works from the railroad crossing west to Mt. Elliot St.. On the adjacent sides of the aforementioned properties their only open fields that Allstar Trucking & Nelson Iron Works are trying to acquire that are located on the North side of Benham St. Nelson Iron Works & Allstar Trucking are located on the South side of Benham Ave., this creates an scenario where as Allstar Trucking will share both sides of Benham from Foster St. to the existing Railroad Crossing (See Attachments). The properties on the North side of Benham Ave. are owed by the City of Detroit & the State of Michigan.

Nelson Iron works & Allstar Trucking commend and salute the appreciable accomplishments of this Honorable City Council. In this regard we graciously request your support to approve Benham St. between the Railroad Crossing and Foster Ave. to be granted "Vacated Status" with the City of Detroit retaining all "Easement Considerations" to facilitate any issues that may represent the City of Detroit concerns. We look forward to your remarks and directive in this matter.

Signed :


Allstar Trucking company (313)-205-4592
6460 Benham
Detroit, Michigan 48211

Printed Name:

ABDUL SHAHEED HASSAN

Date:

7-28-08

**Department of Public Works
City Engineering Division**

May 5, 1995

Honorable City Council:

Re: Petition No. 793, Nelson Iron Works, et al. Temporary Street Closing Extended, Benham between Mt. Elliott and the Detroit Terminal Railroad.

Petition No. 793 of "Nelson Iron Works, Inc." requests an extension of the temporary closing of Benham Avenue, 50 feet wide, between Mt. Elliott Avenue and the Detroit Terminal Railroad right-of-way.

The last petition (#1952) to temporarily close the referenced public street was granted by Council on March 8, 1989 (J.C.C. pages 564-65). This petition has expired (on March 8, 1994).

The petition was referred to the City Engineering Division — DPW by the Planning and Development Department for preparation of a renewal temporary street closing resolution, extending 5 more years; subject to the customary provisions governing a temporary public street closing.

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

Respectfully submitted,
SUNDAY JAYESIMI
City Engineer

By Council Member Hood:

Whereas, The following petitions to temporarily close Benham Avenue, 50 feet wide, between Mt. Elliott Avenue and the Detroit Terminal Railroad right-of-way have been previously granted by City Council:

Petition No. 1590 on April 20, 1988 (J.C.C. pages 927-28); Petition No. 1952 on March 8, 1989 (J.C.C. pages 564-65);

Whereas, The last temporary closing expired on March 1, 1994 and the petitioner has requested a further extension (Petition No. 793; referred to the City Engineering Division — DPW by the Planning and Development Department); and

Whereas, The petitioner has complied with the terms, conditions, and restrictions of the previously granted Council resolutions; therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Nelson Iron Works, Inc." to close Benham Avenue, 50 feet wide, lying between and abutting the east line of Mt. Elliott Avenue (68 feet wide) and the west line of the Detroit Terminal Railroad right-of-way (50 feet wide), described as follows: lying southerly of and abutting the south line of Block 1, of "Benham Manufacturing Company's Subdivision of Lots 1, 2, 3, 4, and 5 and vacated alley of H. L. Baker's Subdivision of Lots 16, 17, 18, 19 and West Half of 20 of the Subdivision of the North Half Section 28 and the Northeast Fraction of Section 29, Town 1 South, Range 12 East, Hamtramck Township," City of Detroit, Wayne County, Michigan

as recorded in Liber 28, Page 81, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lots 6 thru 30; also lying northerly of and abutting the north line of Lots 51 thru 60; also lying northerly of and abutting a line beginning at the northwest corner of Lot 60, extended westerly to the northeast corner of Lot 81; lying northerly of and abutting the north line of Lots 61 thru 76; also lying northerly of and abutting the north line of the vacated north-south public alley (20 feet wide; having been previously vacated by City Council on December 23, 1952 — J.C.C. page 2817); also lying northerly of and abutting the north line of Lot 77 as platted in "H. L. Baker's Subdivision of Lots 16, 17, 18, 19 and the West Half of 20 of the Subdivision of the North Half of Section 28 and the Northeast Fraction of Section 29, Town 1 South, Range 12 East, Hamtramck Township," City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 55, Plats, Wayne County Records; on a temporary basis to expire on July 1, 2000;

Provided, 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 issuance of permits and the faithful or unfaithful performance by the petitioner 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

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

Provided, The property owned by the petitioner and adjoining the temporary public street 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

Provided, No building or other structure (except necessary line fence), shall be constructed on or over the street. 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 street. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public street. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, The petitioner's fence and gate installation shall provide 13 feet horizontal and 13 feet vertical clearances for utility maintenance vehicles; and

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

Provided, This resolution does not permit the storage of materials, display of merchandise, or signs within the temporary closed public street. Further, the placement of materials, merchandise, or signs on any adjacent public sidewalk space (meaning the space between the lot line of the property and the street curb line) is prohibited; and

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

Provided, This resolution is revocable at the will, whim or caprice of the City Council without cause. 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

Provided, This permit shall not be assigned or transferred without the written approval of the City Council; 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.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

04/15/2008 11:24 5537

CR GREY

PAGE 01/01

CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION DIVISION

COLEMAN A. YOUNG
MUNICIPAL CENTER
2 WOODWARD AVE., SUITE 513
DETROIT, MICHIGAN 48226
PHONE 313-224-3900
FAX 313-224-1464
WWW.CI.DETROIT.MI.US

July 21, 2004

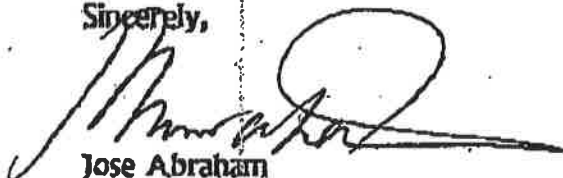
William Nicoll
Terminal Engineer
ConRail SAC
2975 Livernois
Detroit, Michigan 48209

Dear Nicoll:

The City of Detroit, Department of Public Works has no objection in formally closing the railroad crossing @ Benham (DOT #512-421-B).

Please contact Sunny Jacob at 628-5604 to coordinate the closure.

Sincerely,



Jose Abraham
General Manager
Department of Public Works

JA/cp

Xc: Sunny Jacob, Traffic Engineering
Ron Brundidge, Street Maintenance
William Talley, City Engineering

"Grow Detroit"

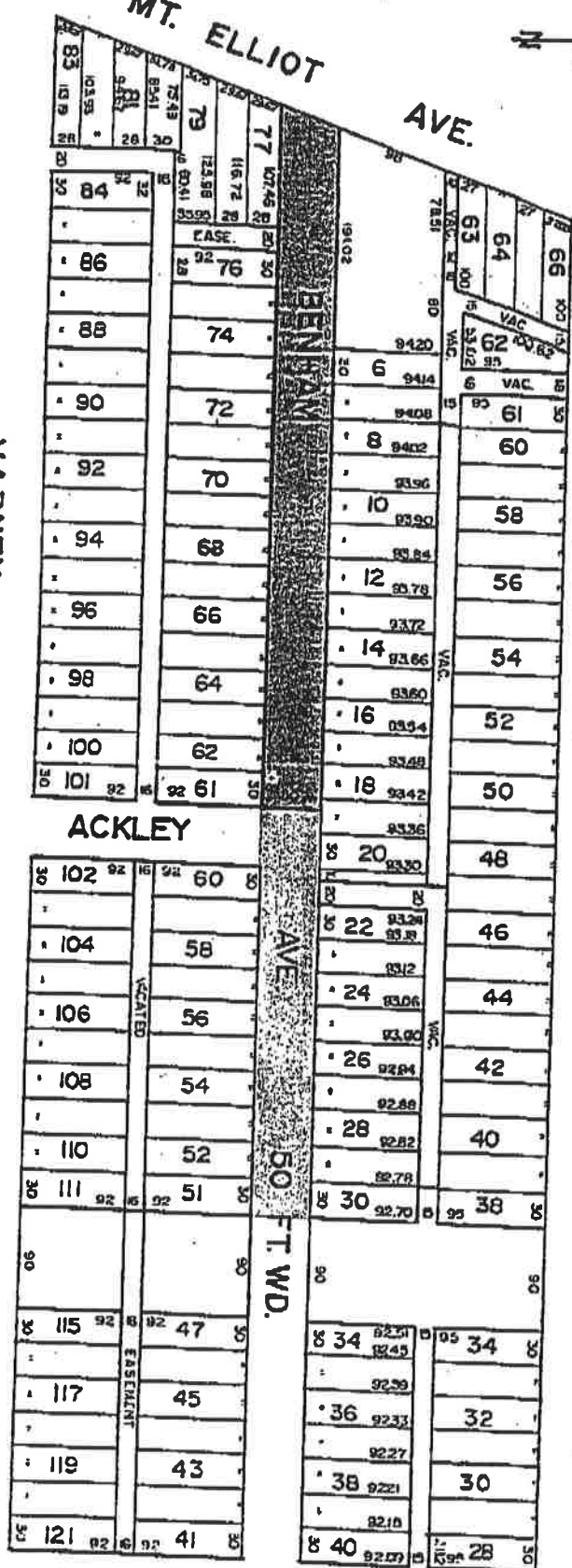
KWAME M. KILPATRICK, MAYOR

PETITION NO. 1390 -
NELSON PROX WORKS
6350 BENHAM
S. DIANE GRABORSKI
PHONE: 923-3335

793



MT. ELLIOT AVE.



VARNEY AVE.

CYMBAL AVE.

ACKLEY

FOSTER AVE.

BLK. I BENHAM MFG. CO. SUBN.
H.L. BAKERS SUBN.

REQUESTED TEMPORARY CLOSING

UNtil 7-1-2000

Dave

May 24, 1995
JCC Pp. 1401-02

CARTO 10 49.C
SCALE 1"=100'

REQUESTED TEMPORARY CLOSING OF BENHAM AVE.
BTWN. MT. ELLIOTT & ACKLEY

FROM NO. 1390
PAGE NO. 0016
DATE 1/27/98
X-1393

APPROVED BY	APPROVED
JAMES POSTER	
DEAN W. LITTON	
CONTRACT NO.	
DATE	



October 7, 2009

Honorable City Council:

RE: Petition No. 2890 - Nelson Iron Works and Allstar Trucking Company, request for temporary closing of Benham Avenue between Mt. Elliott and Foster.

Petition No. 2890 of "Nelson Iron Works and Allstar Trucking Company" requesting the renewal of the temporary closing to a portion of Benham Avenue, 50 feet wide, between Mt. Elliott Avenue, 66 feet wide, and Foster Avenue, 50 feet wide for a five (5) year period.

City Council granted the first temporary street closing on April 20, 1988 – J.C.C. Pgs. 927 –28. City Council approved other extensions on March 8, 1989 – J.C.C. Pgs. 564-65 and May 24, 1995 – J.C.C. Pgs. 1401-02. The last renewal (Petition No. 739) expired on July 1, 2000.

The request was approved by the Traffic Engineering Division – DPW and the sanitation Division – DPW. This petition was referred to City Engineering Division – DPW for renewal.

I am recommending adoption of the attached (renewal) resolution.

Respectfully submitted,

Jessy Jacob P.E., City Engineer
City Engineering Division – DPW

Cc: Alfred Jordan, Director – DPW
Mayor's Office City Council Liaison

BY COUNCIL MEMBER _____

Whereas, the following petition to temporary close a portion Benham Avenue, 50 feet wide, between Mt. Elliott Avenue, 66 feet wide, and Foster Avenue, 50 feet wide, have been previously granted by City Council:

Petition 1590 on April 20, 1988 (J.C.C. Pgs. 927 –28)

Petition No. 1952 on March 8, 1989 (J.C.C. Pgs. 564-65)

Petition No. 739 on May 24, 1995 (J.C.C. Pgs. 1401-02)

Whereas, the last temporary closing expired on July 1, 2000 and the petitioner requests a further extension (Petition No. 2890; referred to by the City Engineering Division – DPW); and

Whereas, the petitioner complied with the terms, conditions, and restrictions of previously granted Council resolutions; therefore be it

RESOLVED, THE City Engineering Division – DPW is hereby authorized and directed to issue permits to “Nelson Iron Works and Allstar Trucking Company” to close a portion of Benham Avenue, 50 feet wide, lying between and abutting the East line of Mt. Elliott Avenue, 66 feet wide and the west line of the Detroit Terminal Railroad right-of-way, 90 feet wide, described as follows: lying Southerly of abutting the South line of Block 1, of “Benham Manufacturing Company’s Subdivision of Lots 1,2,3,4, and 5 and vacated alley of H.L. Baker’s Subdivision of Lots 16, 17, 28, 29, and west Half of 20 of the Subdivision of the North Half Section 28, and the Northeast Fraction of Section 29, T.1S.,R.12E., Hamtramck Township” City of Detroit, Wayne County, Michigan as recorded in Liber 28, page 81, Plats, Wayne County Records; also lying Southerly of and abutting the South line of Lots 6 through 30; also lying Northerly of and abutting the North line Lots 51 through 60; also lying Northerly of and abutting a line beginning at the Northwest corner of Lot 60, extended westerly to the Northeast corner of Lot 61; lying Northerly of and abutting the north line of Lots 61 through 76; also lying Northerly of and abutting the North line of the vacated North – South public alley, 20 feet wide, (having been previously vacated by City Council on December 23, 1952 – J.C.C. Pg. 2817); also lying Northerly of and abutting the North line of Lot 77 as platted in H.L. Baker’s Subdivision of lots 16,17, 18, 19, and the West half of 20 of the Subdivision of the North Half of Section 28 and the Northeast Fractional of Section 29, T.1S.,R.12E., Hamtramck Township, “City of Detroit”, Wayne County, Michigan as recorded in Liber 9, Page 55, Plats, Wayne County Records; on a Temporary basis to expire on November 1, 2014;

PROVIDED, That the petitioner shall file with the Finance Department and/or City Engineering Division – DPW an indemnity agreement in form approved by the Law Department. The agreement shall save, defend, and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner 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

PROVIDED, that Detroit Water and Sewerage Department (DWSD) forces shall have free and easy access to the water main and sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and sewer facilities. Free and easy access shall mean that no structures or storage of materials will be allowed upon the temporarily closed street to hinder the movement of maintenance equipment, and

PROVIDED, that should the water main and/or sewer facilities be broken or damaged 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

PROVIDED, where a fence is placed across the temporarily closed portion of the street/alley, then a gate must be installed to permit access for DWSD forces. The gate shall remain unlocked 24 hours a day or access must be maintained, unless a guard is stationed near the gate to allow the Detroit Water and Sewerage Department ingress and egress at all time to and from the temporary closed street. The minimum dimensions of the gate or gates shall provide 15 feet vertical and 13 feet horizontal clearances for freedom of DWSD equipment movement, and

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

PROVIDED, No buildings or other structures of any nature whatsoever (except necessary fencing), shall be constructed on or over the public rights-of-way. 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 rights-of-way. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public rights-of-way. 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

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

PROVIDED, the petitioner's fence and gate installation(s) shall (if necessary) be subject to the review and approval of City Engineering Division – DPW (if necessary, in conjunction with Traffic Engineering Division – DPW, Building and Safety Engineering Department, and the Fire Marshal); and

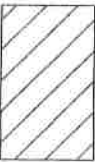
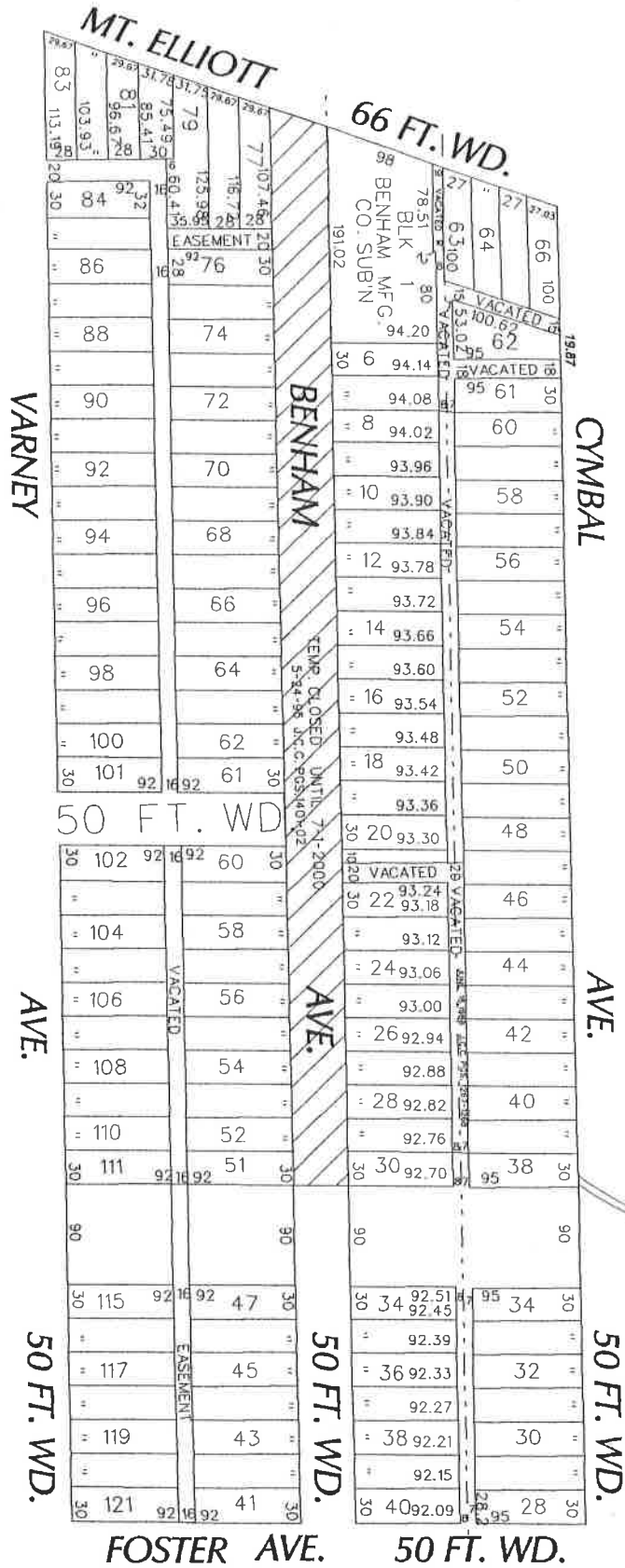
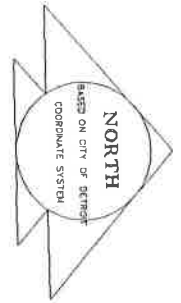
PROVIDED, that at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division – DPW by the petitioner at the petitioner's expense; and

PROVIDED, This resolution is revocable at the will, whim or caprices of the Detroit City Council without cause. 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

PROVIDED, This permit shall not be assigned or transferred without the written approval of the Detroit City Council; 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. 2890
 ALLSTAR TRUCKING
 & NELSON IRON WORKS
 6460 BENHAM
 205-4592



- REQUESTED TEMPORARY CLOSURE

(FOR OFFICE USE ONLY)

CARTO 49 C

B					
A					
	DESCRIPTION	DRWN	CHKD	APPD	DATE
	REVISIONS				
	DRAWN BY	CHECKED			
	DATE	APPROVED			
	KM				
	10-23-08				

REQUESTED TEMPORARY CLOSURE
 THE WEST PORTION BENHAM
 IN THE AREA OF MT. ELLIOTT,
 CYMBAL, FOSTER AND VARNEY

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x2890.dgn