

**City of Detroit**  
OFFICE OF THE CITY CLERK

J. M. Wintrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Wednesday, October 15, 2008*

*To: The Department or Commission Listed Below*

*From: Janice M. Wintrey, Detroit City Clerk*

The following petition is herewith referred to you for report and recommendation to the City Council.

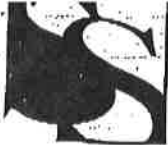
In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

DPW - CITY ENGINEERING DIVISION

**3036** *Shaw & Slavsky, requesting vacation of alley in area of 13639 Elmira and 11113 Schaefer to prevent additional theft of electrical copper wire behind building and parking lot.*

**RECEIVED**  
AUG 12 2008

TED  
TBD  
NOEL



SHAW & SLAVSKY

3034



Shaw Design Group

2009 OCT 14 A 11:09

October 14, 2008

City of Detroit  
Department of Public Works  
City Engineering Division  
65 Cadillac Square, Suite 701  
Detroit MI 48226

To Whom It May Concern:

My name is John DeBono, partner of LSD Properties, LLC, part of the ownership team that owns property at 13639 Elmira Avenue, Detroit Michigan. The owners of LSD Properties LLC also own the manufacturing business of Shaw & Slavsky Inc, which occupies two (2) locations on Elmira Avenue.

Over the past three (3) months, our business has been the victim of electrical copper wire theft four (4) times. Each time, our manufacturing facilities have been "down" for the entire day, causing disruptions in our manufacturing schedule. We have been working with DTE Energy to find solutions to prevent the theft of the electrical lines supplying power to our business.

Currently, we have a fence enclosing our parking lot, which also encloses the alley on the south side of the property. To our knowledge, that fence has enclosed the alley at the south end for at least the past 25 years. Shaw & Slavsky has been in business since the 1930's, and we are making every effort to make sure that our employees and our property remain a safe environment. There is no traffic flow on either the north side of the alley across Elmira Avenue or the south side of the alley across Kcal Street.

I am requesting that the City of Detroit vacate the alley that directly flows into the parking lot of 13639 Elmira. For the past 25 years, its' only function has been a driveway to our employecc parking lot. The tax parcel numbers that are on either side of the alley are as follows:

22004792-4	13639 Elmira	Building on the west side of the alley
22031009-13	11113 Schaefer	Parking Lot of the east side of the alley

By having the City of Detroit vacate the alley, this would allow us to install additional security measures, including electric gates for the safety of our employees.

I have enclosed drawings that show the properties that border the alley in question, as well as our business that we need to continue to secure.

I appreciate your consideration in vacating the alley and allowing LSD Properties LLC and Shaw & Slavsky Inc to continue to maintain the area in a safe and respectable way.

Sincerely,

John J DeBono  
Partner  
LSD Properties LLC

Vice-President/Chief Financial Officer  
Shaw & Slavsky Inc



October 7, 2009

Honorable City Council:

RE: Petition No. 3036 – Shaw & Slavsky, requesting vacation of the alley in the area of 13639 Elmira and 11113 Schaefer to prevent additional theft of personal property and copper wire from behind building and parking lot.

Petition No. 3036 of “Shaw & Slavsky”, request for the conversion of a portion of the north – south public alley, 16 feet wide, in the area of Elmira Avenue, 80 feet wide, Keal Avenue, 70 feet wide, and West of Schaefer Avenue, 66 feet wide, into an 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 rights-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 P.E., City Engineer  
City Engineering Division – DPW

NRP/

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

BY COUNCIL MEMBER \_\_\_\_\_

RESOLVED, All that part of the North – South public alley, 16 feet wide, lying Easterly of and abutting the East line of Lot 58, and lying Westerly of and abutting the West line of Lots 59 through 61, both inclusive, and the North 41.55 feet of Lot 62 all in the “Ardmore Garden’s Subdivision” of Lot 5 of the East ½ of the Northeast ¼ of Section 31 T.1S.R.11E., Wayne County Michigan as recorded in Liber 33, Page 15, Plats, Wayne County Records;

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:

Provided, that an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

Provided, that free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

Provided, that the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

Provided, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, that if any time in the future, the owners of any lots abutting on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incident to the repair of such

broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; and be it further

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

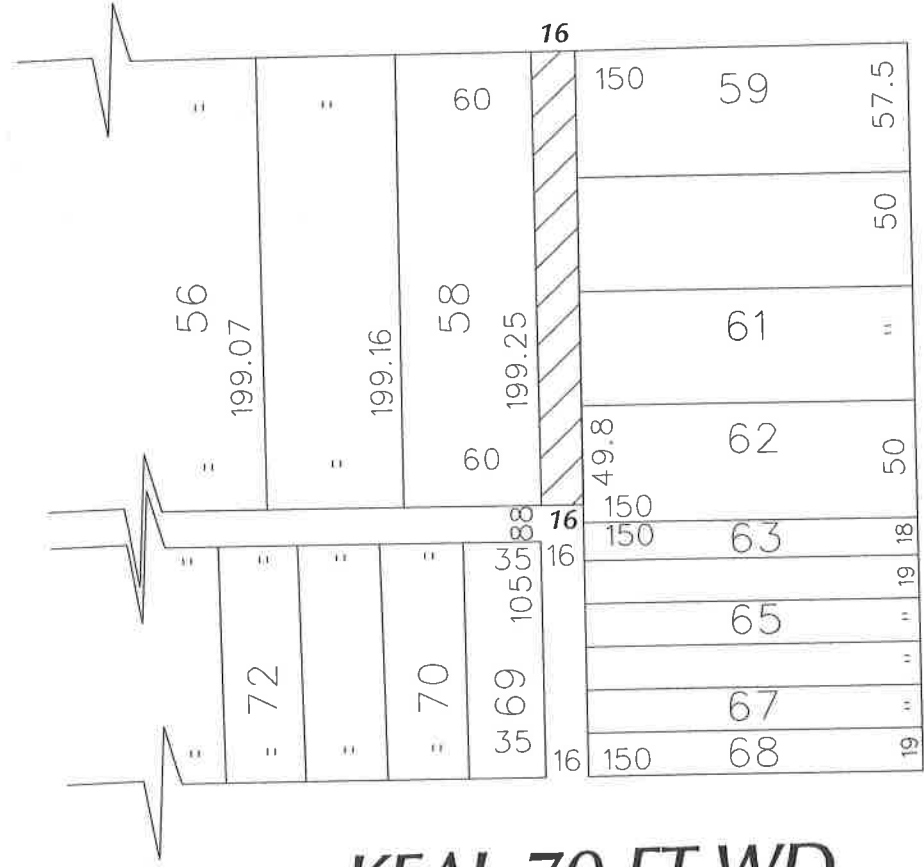
PROVIDED, That if it becomes necessary to remove the paved alley return at the entrances (into Elmira Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the 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. 3036  
 SHAW & SLAVSKY INC.  
 13821 ELMIRA AVE.  
 DETROIT, MI 48227  
 c/o JOHN DeBONO - VP  
 PHONE NO. 313-834-3990  
 FAX NO. 313-834-2680



# ELMIRA 80 FT.WD.



# SCHAEFER HWY. 66 FT.WD.

# KEAL 70 FT.WD.



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 82 B

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NP	CHECKED			
DATE	10-7-09	APPROVED			

REQUESTED CONVERSION TO EASEMENT  
 A PORTION OF THE NORTH/SOUTH  
 PUBLIC ALLEY IN THE AREA OF  
 ELMIRA, KEAL, AND SCHAEFER.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X3036.dgn