

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, August 20, 2009

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

3762 *Mannik & Smith Group Inc., requesting vacation of city public ROW withing the J. V. Brevoort Fort Street Subdivision.*

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July 15, 2009

The Honorable City Council
Attn: Office of the City Clerk
200 Colman A. Young Municipal Center
2 Woodward Avenue
Detroit, Michigan 48226

Re: Vacation of City Public ROW
J. V. Brevoort Fort Street Subdivision

The Honorable City Council:

On behalf of Marathon Petroleum Company we are requesting the City of Detroit vacate the 10' strip of land that is 10' wide x 101.05' length located as the middle 10' strip of lot 67 within the J. V. Brevoort Fort Street Subdivision of Part of P.C.'s 119 and 524.

This property does not service any potential future roadway and is between Fort Street and vacated Waring Street. The 30' wide Lot 67 was previously divided into three 10' sections with the two outer sections having been previously vacated. The remaining center section is now requested to also be vacated.

The attached sketches show the area.

Respectfully Submitted,



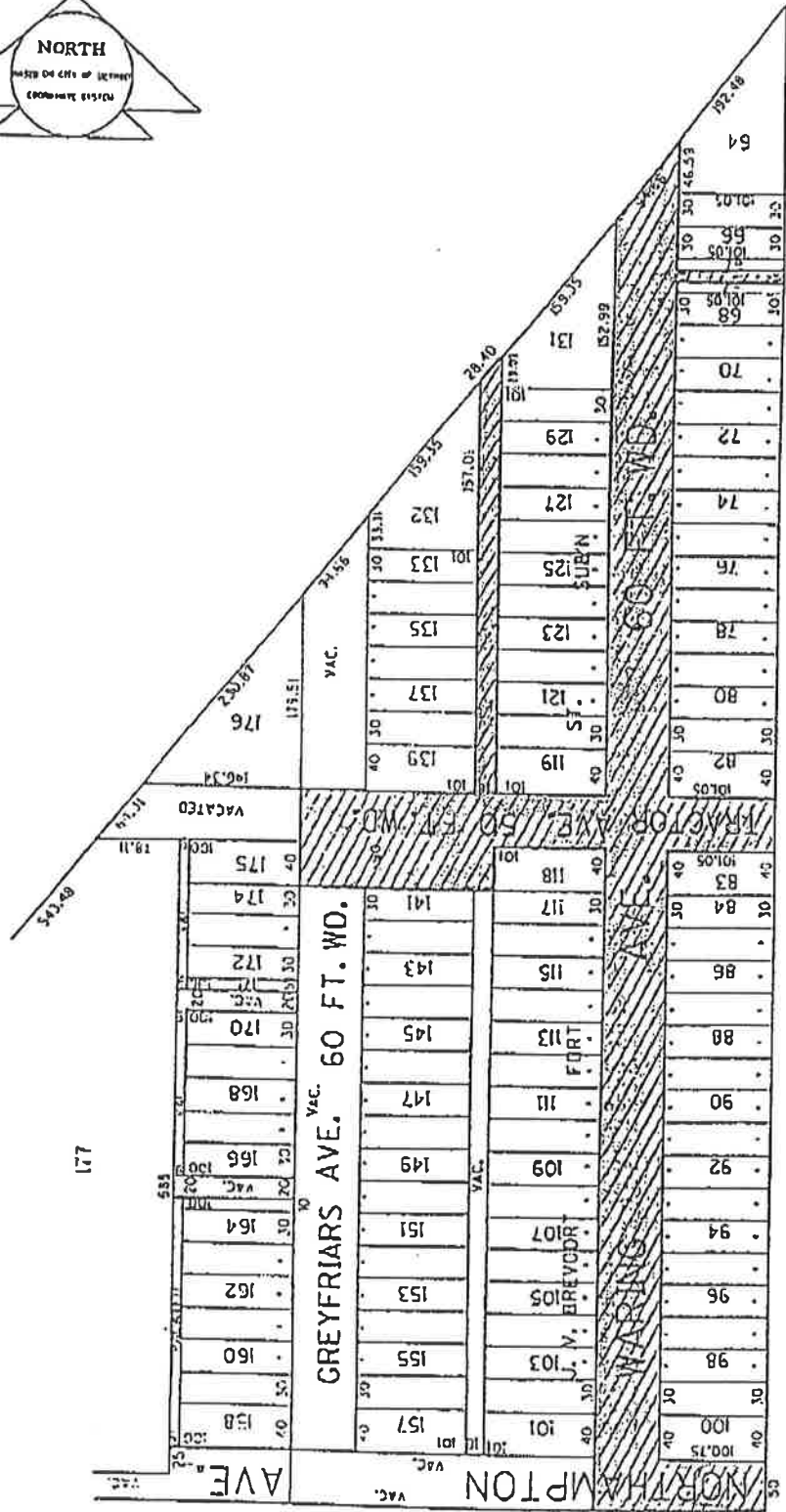
David A. Rzyzi, P.E.
Senior Project Manager

The Mannik & Smith Group Inc.
65 Cadillac Square
Suite 2200
Detroit, MI 48226

Attachments

ATTACHMENT

THE MANNIK & SMITH GROUP, INC.



FORT ST.
 REQUESTED AREA FOR A CONVERSION TO EASEMENT OF PUBLIC R.O.W.



**City Engineering
Department**

October 14, 1992

Honorable City Council:

Re: Petition No(s), 3462 and 1814, Marathon Oil Company — Detroit Refinery, Streets and Alleys to Easement within area bounded by Toronto, Railroad (right-of-way), S. Fort, and Dumfries

Petition No(s), 3462 and 1814 of the "Marathon Oil Company — Detroit Refinery" requests the conversion of the remaining public streets and alleys within the area bounded by Toronto Avenue, the Pennsylvania-Ohio-Detroit Railroad Company (right-of-way), S. Fort Street, and Dumfries Avenue into an easement for public utilities.

The requests were approved by the Community and Economic Development Department and the Department of Transportation. The petitions were referred to the City Engineering Department for investigation and report. This is our report:

The Detroit Edison Company (DE Co.) owns several parcels within the Marathon Oil site. However, DE Co. has reported no objections to the conversion of public rights-of-way into a utility easement.

If it becomes necessary to remove the streets and alley return entrances (into South Fort), the petitioner shall pay all incidental removal costs.

City departments and privately-owned utility companies have reported no objections to the conversion of public rights-of-way into a utility easement. Provisions protecting utility installations and existing railroad crossings are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Hill:

Resolved, All of the east-west public alley, 18 feet wide, in the block bounded by Tractor Avenue, the Pennsylvania-Ohio-Detroit Railroad Company (right-of-way), Waring and Greyfriars Avenues lying southerly of and abutting the south line of Lots 132 to 139; also lying northerly of and abutting the north line of Lots 119 to 131 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records; also

All of the north-south public alley, 10 feet wide, in the block bounded by Tractor Avenue, the Pennsylvania-Ohio-Detroit Railroad Company (right-of-way), South Fort Street, and Waring Avenue having been platted as the easterly 10.00 foot of the westerly 20.00 foot of the northerly 101.05 feet of Lot 67 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records (said public alley having been opened by quit claim deed to the Village of Oakwood, recorded on April 14, 1923 in Liber 1668, Page 582, Deeds, Wayne County Records); also

All that part of Toronto Avenue, 50 feet wide, lying between and abutting the northerly line of South Fort Street (204 feet wide) and the southerly line of Dumfries Avenue (30 feet wide); also lying westerly of and abutting the west line of the north 12.62 feet of Lot 186, and Lots 187 to 197; also lying westerly of and abutting the west line of (vacated) Greyfriars Avenue (60 feet wide; having been previously vacated by City Council on November 15, 1955 — J.C.C. pgs. 2399-2400); also lying westerly of and abutting the west line of the south 9.74 feet of Lot 213, and Lots 198 to 212; also lying easterly of and abutting the east line of the south 9.74 feet of Lot 214, and Lots 215 to 229; also lying easterly of and abutting the east line of (vacated) Greyfriars Avenue (60 feet wide; having been previously vacated by City Council on July 2, 1963 — J.C.C. pg. 1769); also lying easterly of and abutting the east line of the north 12.92 feet of Lot 241, and Lots 230 to 240 as platted in "Oakwood Homes Subdivision of part of Private Claims 119 and 524, Oakwood Village", City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 26, Plats, Wayne County Records; also

All of the remaining part of Dumfries Avenue, 30 feet wide, lying between and abutting the westerly line extended north of Toronto Avenue (50 feet wide) and the easterly line extended north of (vacated) Detwiler Avenue (50 feet wide); also lying northerly of and abutting the north line of said (vacated) Detwiler Avenue (50 feet wide; having been previously vacated by City Council on November 15, 1955 — J.C.C. pgs. 2399-2400); also lying northerly of and abutting the north line of the south 9.74 feet of Lot 158; also lying northerly of and abutting the north line of the (vacated) north-south public alley (18 feet wide, in the block bounded by Toronto, Detwiler, Greyfriars, and Dumfries Avenues; having been previously vacated by City Council on November 15, 1955 — J.C.C. pgs. 2399-2400); also lying northerly of and abutting the north line of the south 9.74 feet of Lot 213; also lying northerly of and abutting the north line of said Toronto Avenue (50 feet wide) as platted in "Oakwood Homes Subdivision of part of Private Claims 119 and 524, Oakwood Village", City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 26, Plats, Wayne County Records; also

All of the remaining part of Northampton Avenue, 50 feet wide, lying between and abutting the north line of South Fort Street (204 feet wide) and the northerly line extended west of Waring Avenue (60 feet wide); also lying westerly of and abutting the west line of said Waring Avenue (60 feet wide); also lying westerly of and abutting the west line of the north 100.75 feet of Lot 100 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records; also lying easterly of and abutting the east line of the north 12.42 feet of Lot 73; also lying easterly of and abutting the east line of the south 14.50 feet of Lot 60, and Lots 69 to 72 as platted in "Oakwood Homes Subdivision of part of Private Claims 119 and 524, Oakwood Village",

City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 26, Plats, Wayne County Records; also

All that part of Waring Avenue, 60 feet wide, between Northampton Avenue (50 feet wide) and Tractor Avenue (50 feet wide) lying southerly of and abutting the south line of Lots 101 to 118; also lying northerly of and abutting the north line of Lots 83 to 100 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records; also

All that part of Waring Avenue, 60 feet wide, between Tractor Avenue (50 feet wide) and the Pennsylvania-Ohio-Detroit Railroad Company (right-of-way) lying southerly of and abutting the south line of Lots 119 to 131; also lying northerly of and abutting the north line of Lots 64 to 82 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, page 98, Plats, Wayne County Records; also

All that part of Tractor Avenue, 90 feet wide (as established by City Council on August 7, 1958 — J.C.C. pgs. 1740-41), between Waring and Greyfriars Avenues lying westerly of and abutting the west line of that part of said Greyfriars Avenue (60 feet wide; having been previously vacated by City Council on January 13, 1942 — J.C.C. pg. 60); also lying westerly of and abutting the west line of Lot 139; also lying westerly of and abutting the west line of the east-west public alley (18 feet wide; in the block bounded by Tractor Avenue, the Railroad right-of-way, Waring and Greyfriars Avenues); also lying easterly of and abutting the east line of the part of the (vacated) east-west public alley (18 feet wide; in the block bounded by Northampton, Tractor, Waring, and Greyfriars Avenues having been previously vacated by City Council on August 7, 1956 — J.C.C. pgs. 1740-41); also lying easterly of and abutting the east line of that part of said Greyfriars Avenue (60 feet wide; having been previously vacated by City Council on August 7, 1956 — J.C.C. pgs. 1740-41); also lying easterly of and abutting the east line of Lot 141 as platted in "J. V. Brevoort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records; also

All that part of Tractor Avenue, 50 feet wide, between South Fort Street and Greyfriars Avenue lying westerly of and

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abutting the west line of the north 101.05 foot of Lot 82; also lying westerly of and abutting the west line of Waring Avenue (60 feet wide); also lying westerly of and abutting the west line of Lot 119; also lying easterly of and abutting the east line of the north 101.05 feet of Lot 83; also lying easterly of and abutting the east line of Waring Avenue (60 feet wide); also lying easterly of and abutting the east line of Lot 118 as platted in "J. V. Bravort Fort Street Subdivision of part of Private Claims 119 and 524, Village of Oakwood, Ecorse Township", City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 98, Plats, Wayne County Records;

Do and the same are hereby vacated as public streets and alleys and are hereby converted into a public easement of the full width of the streets and alleys, 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 streets and alleys 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 streets and 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 street or 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 streets and 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 or over 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 tasks, 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, (except necessary line fence, and the existing railroad crossings) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Department.

Fourth, that if the owners of any lots abutting on said vacated streets and alleys shall request the removal and/or relocation of any existing poles or other utilities or railroad crossing(s) 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 and/or the Pennsylvania-Ohio-Detroit Railroad Company.

Fifth, that if any utility or railroad crossing 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 or railroad crossing, and

Provided, That if it becomes necessary to remove the paved street and/or alley returns at the entrances (into South Fort Street), such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, their heirs 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.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz and President Mahaffey — 9.

Nays — None.

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TRACTOR

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