

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

RECEIVED OCT 28 2011

DEPARTMENTAL REFERENCE COMMUNICATION

• Wednesday, October 27, 2010

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 CITY PLANNING COMMISSION

744 *Kap's Wholesale Food Services, Inc., request to close a portion of Maple Street within the triangular block of Maple, Russell and Gratiot.*

CEIS/ITED

744

**Callewaert Marketing Services
38898 Steiner Court
Clinton Township, MI 48038-3238**

October 17, 2010

THE HONORABLE CITY OF DETROIT COUNCIL

ATTN: Office of the City Clerk, Ms. Janice M. Winfrey
200 Coleman A. Young Municipal Center
Woodward & Jefferson Avenues
Detroit, MI 48226

2010 OCT 19 PM 5:50

DETROIT
CITY CLERK

RE: Petition to close a portion of Maple Street within the triangular block of Maple, Russell, and Gratiot. For locational reference, Maple is the Street that fronts the industrial area previously known as the Strohs or Melody Farms ice cream manufacturing complex.

Honorable Common Council:

For your information - and it's very positive Economic Development news for the City of Detroit - Kap's Wholesale Food Services, Inc., 2001 Brewster Street, Detroit (Eastern Market Area) recently purchased the properties commonly known as the Stroh's or Melody Farms ice cream manufacturing plant and support facilities, including what was once The Strohaus. What is not commonly known is that these buildings have been vacant of commercial uses for three (3) years, since 2006.

Kap's asked that I approach your Honorable Body as their transaction intermediary, the purpose being to close a portion of Maple Street within the triangular block of Maple, Russell, and Gratiot. The attached exhibits indicate the extent of this request - a closure at Maple Street and Gratiot, another at Rivard and Maple, and finally, a closure at the Western building line of the Public Lighting Commission's Maple Subdivision.

The reason for this request is to facilitate the receipt, staging, and security of out-of-town truck trailers and drivers. There would be no storage of materials on Maple, and there is no intention for the construction of structures in the Street Right-of-Way.

The primary building in this complex consists of 60,000 sq. ft. of high ceiling freezer and cooling space. This is a new dimension of economic offering in Detroit for inbound U.S., and sometimes local, meat and seafood products. A guard is stationed 24/7 at the gate of the complex (facing Rivard), which will allow around-the-clock access by City Departments and public utilities.

From the PLC's Maple Subdivision building West, there are several common wall buildings, the backs of which face Maple. They have undergone a small amount of graffiti spraying, indicating nonusage. Kap's has been onsite for a number of months upgrading the coolers and freezers, and no activities have been observed in/out of these small buildings. A number of years back I worked with the Real Estate Manager of Stroh's, John Dinsome, and he identified to me that many, if not all, of these small lots/old buildings were under Stroh ownership. The buildings are secured, but very probably do not have current economic utility.

After review by your Honorable Body, kindly refer this Petition to the City Engineer's Survey Bureau for their research and subsequent direction to other affected City Departments and private utility and communication companies.

Sincerely,

Albert Callewaert

Albert Callewaert, buffaloalbert@vnhoo.com, Cell: (586) 907-4201



April 28, 2011

Honorable City Council:

RE: Petition No. 744 – Kap’s Wholesale Food Services Inc. request to close a portion of maple Street within the triangular block of Maple, Russell and Gratiot.

Petition No. 744 of “Kap’s Wholesale Foods Inc”, request the conversion of a portion of Maple Street, 50 feet wide, between Gratiot Avenue, 120 feet wide, and Russell Avenue, 50 feet wide, into a private easement for utility companies. This request will facilitate better security for receipt, staging, and out-of-town truck trailers to Kap’s Wholesale Food buildings.

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,

Richard Doherty, Head Engineer
City Engineering Division – DPW

NRP/

Cc: Ron Brundidge, Director – DPW
Mayor’s Office – City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, All that part of Maple Street, 50 feet wide, between Gratiot Avenue, 120 feet wide, and Russell Avenue, 50 feet wide, lying Southerly of and abutting the South line Lots 163 through 168, both inclusive, and lying Northerly of and abutting the North Line of Lots 161 through 154, both inclusive, and (vacated) Rivard Street, 50 feet wide, all in the "Plat of that part of Claim No. 181 North Jefferson Avenue for the Heirs of Antoine Rivard as Subdivided into Lots" April 19, 1841 as recorded in Liber 12, Page 348-51, City Records, Wayne County Records; Also lying Southerly of and abutting the South line of Lots 171 through 174, both inclusive, and lying Northerly of and abutting the North line of Lots 170 through 167, both inclusive, and the West 12.00 feet of Lot 166 all in the "Cass Subdivision of Part of the Mullett Farm in the City of Detroit" January 22, 1857, as recorded in Liber 1, Page 6, 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:

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 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

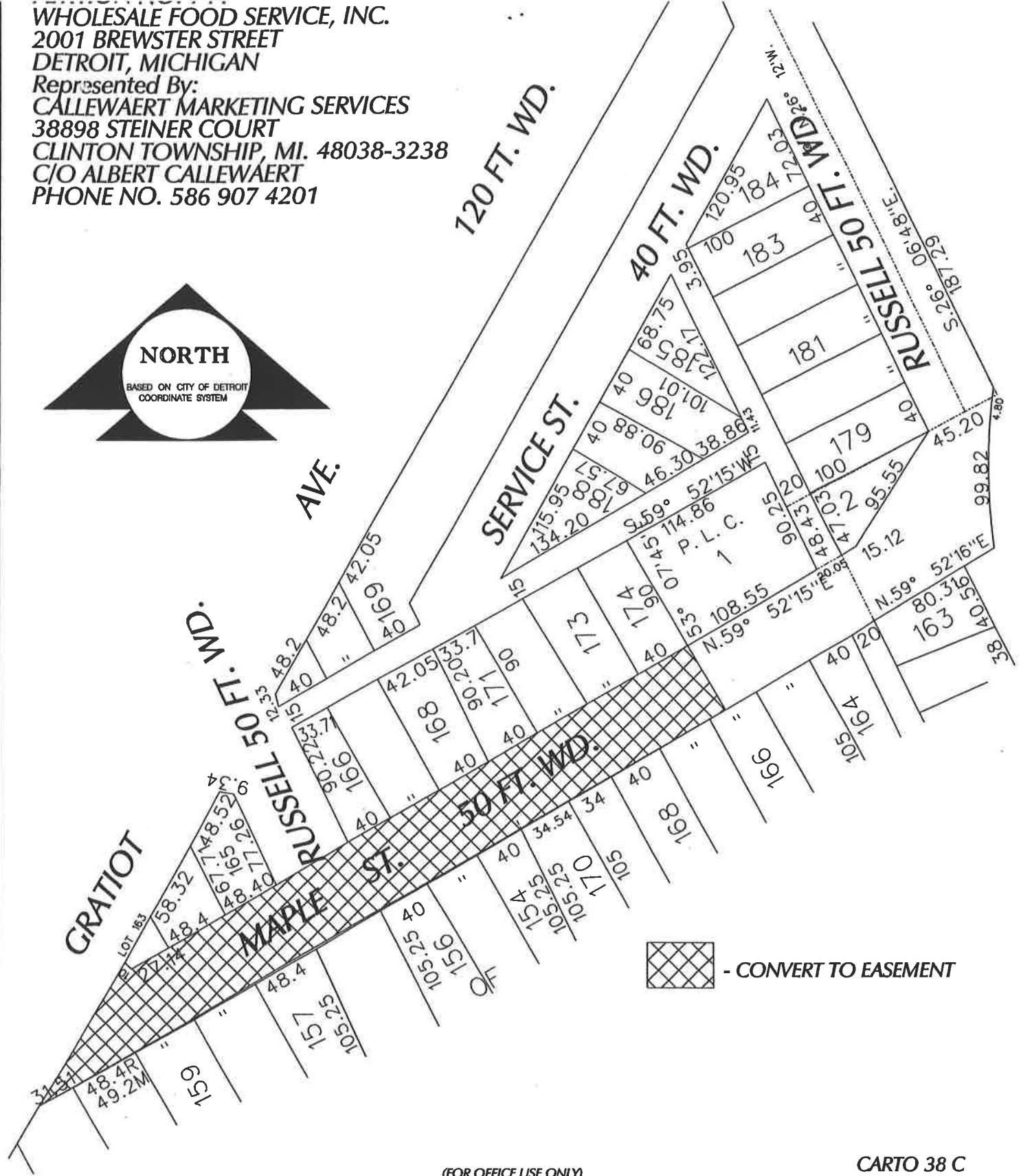
Provided, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within 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 incidental 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 incidental 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

PROVIDED, That if it becomes necessary to remove the paved street return at the entrances (into Gratiot 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.


WHOLESALE FOOD SERVICE, INC.
 2001 BREWSTER STREET
 DETROIT, MICHIGAN
 Represented By:
 CALLEWAERT MARKETING SERVICES
 38898 STEINER COURT
 CLINTON TOWNSHIP, MI. 48038-3238
 C/O ALBERT CALLEWAERT
 PHONE NO. 586 907 4201



 - CONVERT TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 38 C

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
KSM					
DATE		APPROVED			
12-1-10					

REQUEST CONVERSION TO EASEMENT
 A PORTION OF MAPLE STREET
 FROM GRATIOT AVE.
 WEST TO WEST LINE OF LOT 174

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X744.dgn