

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, July 28, 2011

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.

PLANNING AND DEVELOPMENT DEPARTMENT

1024 *Hantz Farms LLC, for vacation of alley and conversion to public easment of properties abutting alley on Dwyer and St. Louis between E. Davison and Brimson*

NOTE: The Detroit City Council is on recess from:

JULY 27, 2011 through SEPTEMBER 2, 2011

The City Clerk requests that Departments directly handle requests which fall within those dates.

PLEASE EXPEDITE!!!

Carla 53E LVM 446

Petition For Conversion Of Street To Easement

Detroit, MI

Date: 5/20/2011

To The Honorable City Council:

Council Members,

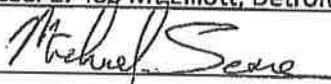
We, the undersigned owners of the property abutting Brimson Street between Mt Elliott and Dwyer Street do respectfully petition your Honorable Body to vacate said street and convert same into a public easement. Great effort has been made to clean blighted properties within this area of the city. More than 400 vehicle tires, and 200 cubic yards of illegally dumped debris have been removed from 35 vacant parcels in spring, 2011. Approving closure of Brimson will allow businesses and neighbors to work together in maintaining quality of life in this neighborhood.

Further, we hereby agree that all existing utilities in said streets are to remain in their present location, and that if at any time in the future a request is made to remove or relocate any existing poles or other utilities in the easement, the property owners making such requests and upon whose property the pole or other utilities are located will pay all costs incurred in such removal or relocation unless such charges are waived by the utility owners.

We do further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon the easement or any part thereof, so that said easement shall be forever accessible for maintenance of utilities.

SPONSORING PETITIONER Hantz Farms LLC, 17403 Mt.Elliott, Detroit, MI. 48212. 313-893-1937

Michael Score- President, Hantz Farms



--CITY CLERK--

12 JUN 11 4:54

Hantz Farms is a subsidiary of the Hantz Group. The Hantz Group has had offices located at Mt Elliott and Brimson since 2003. Hantz Farms began operating from this location in 2008. Employment has risen to eight full time employees during this period. As Hantz Group and Hantz Farms ventures move forward we anticipate increasing employment to approximately 200 full time workers pending acquisition of land for Hantz Farms operations and successful implementation of our business plan.

Michael Score- President, Hantz Farms

Michael Score

5/20/2011

Hantz Farms
17403 Mt Elliott
Detroit, MI 48212
313-893-1937

Petition For Street Closure At Intersections of Dwyer and St. Louis Streets And East Davison

Detroit, MI

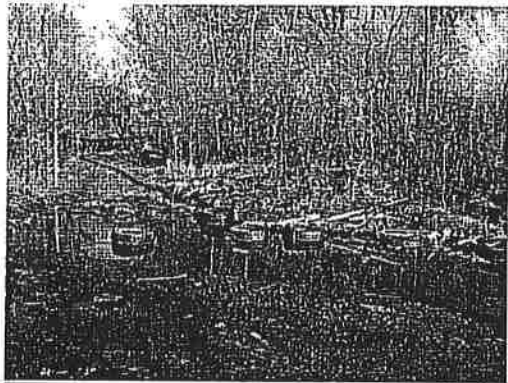
Date: 5/20/2011

To The Honorable City Council:

Council Members,

We, the undersigned owners of the property abutting the streets of Dwyer and St. Louis between East Davison and Brimson Street, do respectfully petition your Honorable Body to close said streets; limiting access to the neighborhood to an entrance located at Brimson Street and Mt. Elliott. Great effort has been made to clean blighted properties within this area of the city. More than 400 vehicle tires, and 200 cubic yards of illegally dumped debris have been removed from 35 vacant parcels in spring, 2011. Approving closure of Dwyer and St. Louis Streets at East Davison will allow businesses and neighbors to work together in maintaining quality of life in this neighborhood.

Before



After



23 MAY 11 2:02

--CITY CLERK--

Further, we hereby agree that all existing utilities in said streets are to remain in their present location, and that if at any time in the future a request is made to remove or relocate any existing poles or other utilities in the easement, the property owners making such requests and upon whose property the pole or other utilities are located will pay all costs incurred in such removal or relocation unless such charges are waived by the utility owners.

We do further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon the easement or any part thereof, so that said easement shall be forever accessible for maintenance of utilities.

SPONSORING PETITIONER Hantz Farms LLC, 17403 Mt Elliott, Detroit, MI. 48212. 313-893-1937

April 10, 2012

Honorable City Council:

RE: Petition No. 1024 – Hantz Farms LLC, for vacation of alley and conversion to public easement of properties abutting alley on Dwyer and St. Louis between E. Davison and Brimson.

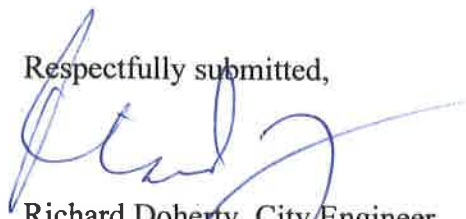
Petition No. 1024 of “Hantz Farms LLC”, request conversion of a portion of Brimson Avenue, 70 feet wide, between Mt. Elliott Avenue, 70 feet wide, and the North – South public alley, 10 feet wide, into an easement for the utilities. This closure will assist the property owner to better secure the area from illegal dumping.

The request was approved by the Solid Waste Division – DPW, and 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 the public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,



Richard Doherty, City 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 Brimson Avenue, 70 feet wide, between Mt. Elliott Avenue, 70 feet wide, and the North – South public alley, 10 feet wide, Lying Southerly of and abutting the South line of the 10.00 feet portion of Brimson Avenue, that was vacated on November 27, 1915 and lying Northerly of and abutting the North line of Lot 60 and the east 10.00 feet of the vacated alley all in the “Berman and Friedman’s North Detroit Subdivision” of part of the Southwest ¼ of Section 9, T.1S.,R.12E., Hamtramck Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 35, Page 17, 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 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 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 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 street return at the entrances (into Mt. Elliott 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. 1024
 HANTZ FARMS LLC
 17403 MT ELLIOTT
 DET. MI 48212
 c/o MICHAEL SCORE
 PHONE NO. 313-893-1937



DAVISON 70 FT. WD.



 - REQUESTED CONVERSION TO EASEMENT

CARTO 53C

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NP	CHECKED			
DATE	10-20-11	APPROVED			

REQUESTED CONVERSION TO EASEMENT BRIMSON
 70 FT. WD. BWTN. DWYER AND MT. ELLIOTT

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x1024.dgn