

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Tuesday, September 06, 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.

DPW - CITY ENGINEERING DIVISION PLANNING AND DEVELOPMENT DEPARTMENT
FINANCE DEPT/ASSESSMENTS DIV.

2032 *Faygo Beverages Incorporated, request for outright vacation of Moran Street between Alexandrine and Leland, northwest of Gratiot Avenue; and subsequent purchase of the strip of land.*

2032



July 27, 2011

Detroit City Council
Office of the City Clerk
2 Woodward Ave. , Ste. 200
Detroit, MI 48226

**Re: Request For Street Vacation & Pctition Number
Faygo Co. – Public Right of Way Vacation (Moran Street – Between
Alexandrine & Leland Streets)**

Dear Sirs:

Faygo Beverages Inc. wishes to formally petition Detroit City Council, through the City Clerk's office to request the outright vacation of Moran Street between Alexandrine and Leland, northwest of Gratiot Avenue.

This right-of-way is located west of Faygo's bottling plant and between our truck staging area. Traffic along the right-of-way interferes with our operation, especially when proceeding above the posted speed limits. This has created the potential for accidents to occur. Our docks are also open to the street which allows people access to the plant. We continue to struggle with crime issues associated with this open access.

To protect against the above mentioned concerns, Faygo wishes to petition for the outright vacation of this portion of Moran and to subsequently purchase the strip of land. Said land would then be incorporated into our complex. Faygo Beverages Inc. owns all properties abutting both sides of Moran Street, between Alexandrine & Leland Streets.

Thank you for your consideration in this matter. Please provide me with the petition number once it has been assigned. Should you need any additional information/documentation, please contact me at (313) 925-1600, ext. 6214. Mail correspondence to:

Art Hanrehan
Faygo – Plant Mgr.
3579 Gratiot Avenue
Detroit, Michigan 48207

Fax: (313) 925-0273

Sincerely,

Art Hanrehan
Plant Manager

95 ET 11 7M 82

--CLERK



February 18, 2013

Honorable City Council:

Petition No. 2032 – Faygo Beverages Incorporated, request for outright vacation of Moran Street between Alexandrine and Leland.

Re: Petition No. 2032 of “Faygo Beverages Incorporated”, request for the conversion of Moran Street, 50 feet wide, between Alexandrine Avenue, 50 feet wide, and Leland Street, 50 feet wide, into a private easement for the public and private utility companies. This closure will allow Faygo Beverages Incorporated to eliminate interference with day to day operation with vehicles, potential accidents, and open street access to the plant.

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 Moran Street, 50 feet wide, between Alexandrine Avenue, 50 feet wide, and Leland Street, 50 feet wide, lying Easterly of and abutting the East line of Lots 11 through 18, both inclusive, in the "B. Youngblood Subdivision" of part of Lot 32 Maurice Moran Farm P.C. 182 June 5, 1886, Detroit, Wayne County, Michigan recorded in Liber 9, Page 76 of Plats, Wayne County Records; and lying Westerly of and abutting the West line of Lots 13 through 20, both inclusive, in the "Plat of the Subdivision part of Lot No. 2 of Subdivision of part of the rear concession of P.C. 182 recorded October 26, 1882, Detroit, Wayne County Michigan, as recorded in Liber 7, Page 18 of 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:

PROVIDED, that no structure can be built over PLD installations. As per PLD requirement, any structure propose to be built shall maintain a minimum of 10 feet horizontal clearance for the overhead PLD lines and installations the contractor will be liable for any damages to any PLD underground facilities; and be it 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, said easements or rights-of-way in and over said vacated alley(s) herein above described shall be forever accessible to the maintenance and inspection forces of the DWSD, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer or water main or any facility placed or installed in the DWSD easements or rights-of-way. The DWSD 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 easements with any necessary equipment to perform the above mentioned task, with the understanding that DWSD shall use due care in such crossing or use, and that any property damaged by DWSD, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition; 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 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,

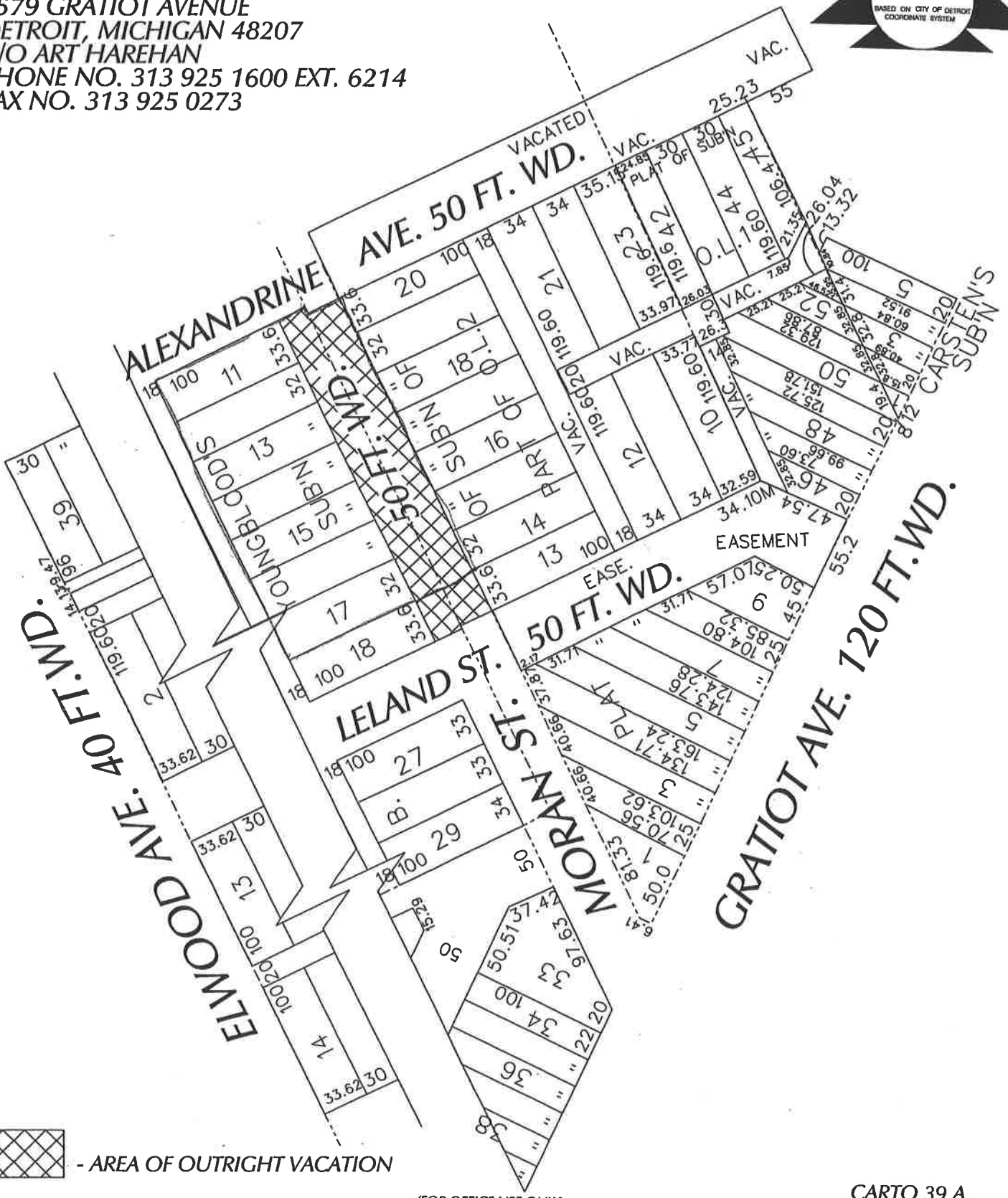
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easements, nor change of surface grade made, without prior 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 2032
 FAYGO BEVERAGES INCORPORATED
 3579 GRATIOT AVENUE
 DETROIT, MICHIGAN 48207
 C/O ART HAREHAN
 PHONE NO. 313 925 1600 EXT. 6214
 FAX NO. 313 925 0273



 - AREA OF OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 39 A

REQUEST OUTRIGHT VACATION
 OF
 MORAN STREET
 BETWEEN
 ALEXANDRINE AND LELAND

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X2032.dgn

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A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KSM				CHECKED
DATE	4-10-10				APPROVED