

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Monday, October 14, 2013

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

2969 *Southfield Quality Cars, Inc, request the vaction of alley from Biltmore to Ferguson at 16941 W. 8mile Rd, Detroit, MI 48235*

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SOUTHFIELD QUALITY CARS, INC.

10-8-13

To The Honorable City Council

LEASEMENT

This letter is to petition the ~~vacating~~ of the alley from Biltmore to Ferguson. The alley way from Ferguson to Biltmore has been vacated already. It is of extreme importance to the safety of the neighborhood and existing business.

Sincerely,

Management

16941 W. 8 Mile Rd.

Detroit, MI 48235

Tel. 313-270-3337

Fax 313-270-4447

PETITION FOR CONVERSION OF ALLEY TO EASEMENT
Detroit, MI

Date 10-3 2013

TO THE HONORABLE CITY COUNCIL:

Gentlemen: We, the undersigned owners of the property abutting the alley:

Biltmore and 8 mile

Location of Alley

do respectfully petition your Honorable Body to vacate said alley and convert same into a public easement.

Further, the undersigned representing not less than two-thirds (66-2/3%) ownership of property abutting said alley hereby agree that all existing utilities in said alley 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 request 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.


Southfield Quality Cars

SPONSORING PETITIONER Sam Shaba 16941 W. 8 mile Det 48235

(Name)

(Address)

(Phone No.) 248-225-1523

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
			<u>16941 W. 8 mile RD Det 48235</u>	<u>10-3-13</u>
	<u>Vacant</u>		<u>205 S Biltmore Det 48235</u>	

(Over)



July 10, 2015

Honorable City Council:

RE: Petition No. 2969 – Southfield Quality Cars Inc. request the vacation of alley from Biltmore to Ferguson at 16941 W. Eight Mile Road, Detroit MI 48235

Petition No. 2969 – Southfield Quality Cars Inc. request to vacate and convert to easement the west ½ of the east-west public alley, 20 feet wide, in the block of Hessel Avenue, 60 feet wide, West Eight Mile Road, 204 feet wide, Biltmore Avenue, 60 feet wide, and Ferguson Avenue, 60 feet wide. The request has been amended to be a temporary closure due to the existing conditions.

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request is being made to maintain security and to prevent illegal dumping for the existing business.

All involved City departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities. Provisions protecting the rights of the utilities and the City are a part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,


Richard Doherty, P.E., City Engineer
City Engineering Division – DPW

JMK/

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

Michael Duggan. MAYOR

BY COUNCIL MEMBER _____

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “Southfield Quality Cars Inc.” at 16941 West Eight Mile Road, Detroit, Michigan 48235 to close the west ½ of the east-west, public alley, 20.00 feet wide, described as lying Southerly of and abutting the South line of Lots 1154 through 1159, both inclusive, and lying Northerly of and abutting the North line of Lot 978 “Madison Park No. 1 a resubdivision of Lots 597 to 603 incl. and part of Lot 604; 654 to 668 incl. and part of 653 and 669; 719 to 733 incl. and part of 718 and 734; 848 and 864; 914 to 928 incl. and part of 913 and 929; 979 to 993 incl. and part of 978 and 994; 1044 to 1057 incl. and part of 1043 and 1058 and vacated alleys of Madison Park, being a subdivision of the N.W. ¼ of Section 1 T.1S.,R.10E., City of Detroit, Wayne County, Michigan” as recorded in Liber 64 Page 84 Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on August 1, 2020;

PROVIDED, That the petitioner shall file with the Finance Department and/or City Engineering Division – DPW an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing; and

PROVIDED, the property owned by the petitioner and adjoining the temporary public alley closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the alley; and

PROVIDED, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing, and

PROVIDED, No buildings or other structures of any nature whatsoever (except necessary line fence), shall be constructed on or over the public rights-of-way. The petitioner shall observe the rules and regulations of the City Engineering Division – DPW. The City of Detroit retains all rights and interests in the temporarily closed public right-of-way. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public rights-of-way. Further, the petitioner shall comply with all specific conditions imposed to ensure unimpeded 24-hour-per-day access to the City and utility companies; and

PROVIDED, The petitioner’s fence, gate and barricade installations shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles and must only be installed in such a way to not prohibit pedestrian traffic within the sidewalk space; and

PROVIDED, This resolution does not permit the storage of materials, displays of merchandise, or signs within the temporarily closed public rights-of-way. Further, the

placement of materials, merchandise, or signs on any adjacent temporary area is prohibited; and

PROVIDED, that if there is still a need for access from any of the abutting property owners to said temporary closed alley, access shall and must be maintained for those properties; and

PROVIDED, that at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division – DPW by the petitioner at the petitioner's expense; and

PROVIDED, that this resolution is revocable at the will, whim or caprice of the Detroit City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

PROVIDED, that this permit shall not be assigned or transferred without the written approval of the Detroit City Council; 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.

