

FAX TRANSMITTAL

Office of the City Clerk

Coleman A Young Municipal Center

Two Woodward Avenue, Suite 200

Detroit, Michigan 48226

Telephone: (313) 224-2070 Fax: (313) 224-2075

Wednesday, May 14, 2014

No. of Pages 5

FROM: *Mr. Andre Gilbert II, Junior Assistant City Council Committee Clerk*

SUBJECT: *Petition #241, Faygo Beverages, Inc., request to renew the ^{EASEMENT}vacation of Superior St. due to the location of their docks which creates a high volume of traffic located at 3579 Gratiot Ave.*

FAX TO THE FOLLOWING DEPARTMENT(S):

Mr. Richard Doherty, City Engineer

DPW - City Engineering Division

(313) 224-1464

Attachment

40F

417

Janice M. Winfrey
City Clerk

City of Detroit
OFFICE OF THE CITY CLERK

Robin R. Underwood, CMC
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, May 14, 2014

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

- 241** *Faygo Beverages, Inc., request to renew the vacation of Superior St. due to the location of their docks which creates a high volume of traffic located at 3579 Gratiot Ave.*

FAYGO®

7 MAY 14 9:21 AM

--CITY CLERK--

241

May 5, 2014

Detroit City Council
2 Woodward Ave.
Suite 200
Detroit, MI 48226

Dear Detroit City Council Members,

We received a letter dated April 29th, 2014 from the City of Detroit Engineering Division indicating that our Petition No. 3897 which was approved on 2/5/1986 has expired. This petition asked the City Council to allow for Superior Street to be closed down due to the location of our docks which create a high volume of traffic by our trucks and employees, as well as our customers.

We would like the Council to renew our petition, or even to grant permanent closure of this street, as opening this street would cause an enormous strain on our business structure. We are formally petitioning this request.

We hope that you will understand our position on this, and want to thank you for your consideration on this matter.

Dan Trpevski
Plant Manager

SEND NOTE FOR AIN TO
O.K. EXTENSION + EASEMENT

Faygo Beverages, Inc.
3579 Gratiot Ave. Detroit, MI 48207
313-925-1600 x 6246

DTRPEVSKI@faygo.com
LOWER CASE



Profitable Promotions For Over 100 Years



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION


65 CADILLAC SQUARE, SUITE 900
DETROIT, MICHIGAN 48226
PHONE 313•224•3949
FAX 313•224•3471
WWW.DETROITMI.GOV

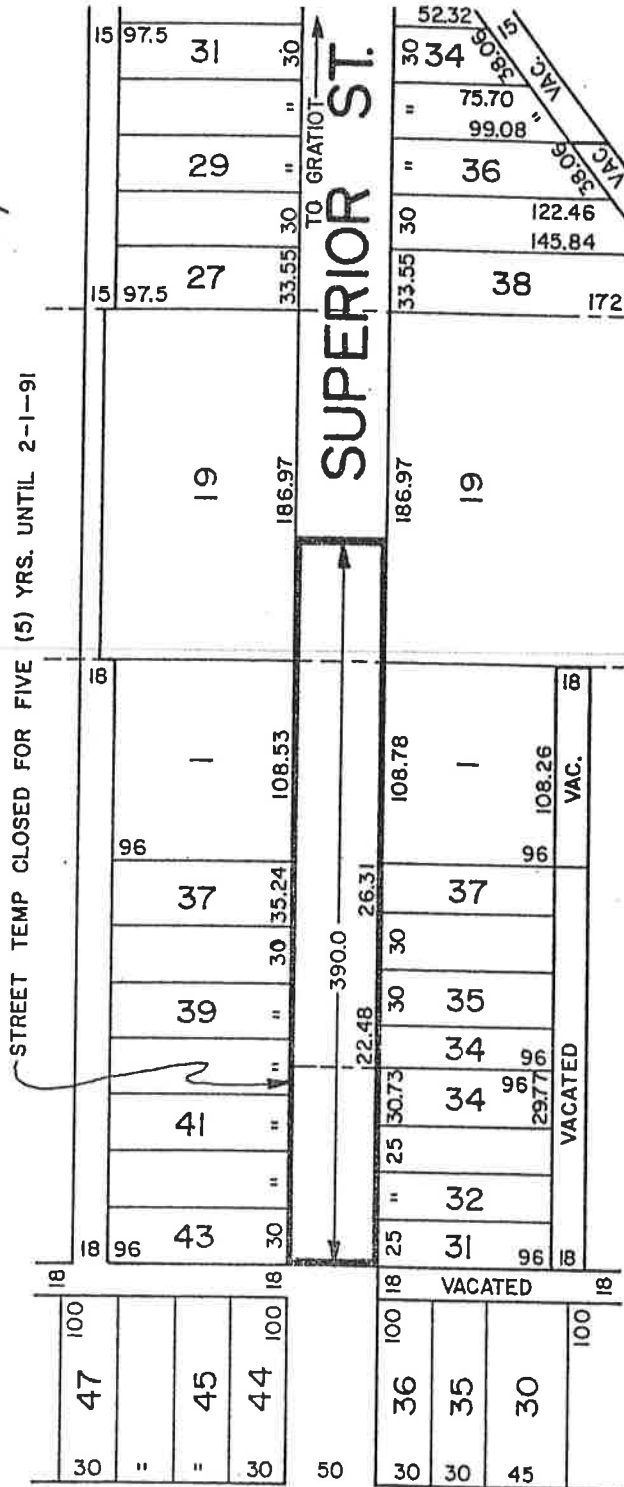
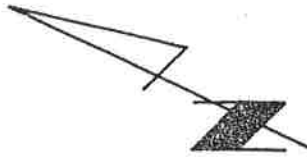
Date: April 29, 2014

Dear Petitioner, Faygo Beverages
 3579 Gratiot Ave
 Detroit, Mi 48207

It has come to the attention of the City of Detroit, Department of Public Works, City Engineering Division (CED) that Petition No. 3897 approved on 2/5/1986 for a request for Temporary Closure of a certain right-of-way has expired. At this time CED is informing said property owner and/or petitioner that the temporary closure needs to be renewed by petitioning Detroit City Council or the street/alley needs to be re-opened immediately. If CED has not received any response to this notice within 30 days of the above date, CED will remove all structures and restore the right-of-way to CED's satisfactory condition at the expense of the property owner or petitioner per the approved resolution on file. If there are any questions please contact the Survey Bureau at 313-224-3970 from 8:00am to 4:00pm Monday through Friday for answers.

Sincerely,


Richard T. Doherty, P.E.
City Engineer
City of Detroit/DPW
Engineering Division



MORAN

PETITION NO. 3897
 TOPO NO. 40-F
 DRWG. NO. X-3897

DESCRIPTION	Drwn	Chkd	Appd	Date
REVISIONS				
DRAWN BY	APPROVED			
TRACED BY	APPROVED			
CHECKED	APPROVED			

CITY OF DETROIT	
City Engineering	
Job No.	
Drwg. No.	

City Engineering Department
 December 10, 1985
 Honorable City Council:
 Re: Petition No. 3897, Faygo Beverages, Inc. Request to temporary close portion of Superior Street between Moran and Gratiot.
 We are returning herewith petitions No. 3897 of Faygo Beverages, Inc., re-

questing temporary closing of a portion of Superior Street between Moran and Gratiot.

The request was approved by the Community and Economic Development Department with certain restrictions. As directed by your Honorable Body in the public hearing on November 7, 1985, the City Planning Commission held a Faygo community meeting on November 27, 1985. The City Planning Commission has concurred with the recommendations of the Community and Economic Development Department.

The petitioner has agreed (as stated in their original letter) to install manned gates at both ends of the requested street closure. These gates will be manned during the petitioner's normal operating hours, between 7:00 a.m. to 12:00 midnight; also during the normal operating hours of the two businesses to the east of Faygo properties on the south side of Superior. Additionally, the gates will be signal device-equipped to facilitate emergency vehicle access during non-operating hours.

If the petition is granted, the Department of Transportation has agreed to revert the open portions of Superior and Willis to two-way traffic, leaving parking on the south side of Willis, between Moran and Mt. Elliott.

All other City departments and privately owned utility companies have reported they have no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities.

An appropriate resolution containing the necessary conditions is attached for consideration by your Honorable Body.

Respectfully submitted,
 CLYDE R. HOPKINS
 Director

By Council Member Peoples:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to Faygo Beverages, Inc. to close all that part of Superior Street, 50 feet wide, between Moran Street and Mt. Elliott Avenue, the centerline of which is described as follows: Beginning at a point on the east line extended northerly on the north-south (vacated) public alley, 18 feet wide, first east of Moran Street, said point being 25 feet north of the south line of Superior Street, 50 feet wide; thence easterly and parallel to said south line of Superior Street 390.00 feet, more or less, to a point of ending, contained in the following subdivisions:

1) Harriet L. Haworth's Subdivision of the North part of Outlots 1 and 2, Private Claim 182, Maurice Moran Farm, as recorded in Liber 8, Page 63, Plats, Wayne County Records;

2) Plat of the Subdivision of part of Outlot 1 of the Subdivision of Private Claim 182 as recorded in Liber 9, Page 95, Plats, Wayne County Records;

3) all that part of Superior Street, 50 feet wide, which was opened by Circuit Court proceedings, File numbers 603 and 661 in 1887 and 1890 for street purposes, being all that part of the Rear Concession of Private Claim 182 Northwest of Gratiot Road, partly known as Mary Dowlings Subdivision as recorded in Liber 2, Page 10, Plats, Wayne County Records;

4) all that part of Superior Street, 50 feet wide, which was opened by Circuit Court proceedings, File numbers 603 and 661 in 1887 and 1890 for street purposes, being part of Lot 19 of Subdivision of the Leib Farm between River and rear lines of Private Claims as recorded in Liber 45, Page 664 of Deeds, 666 and 666 Deeds, 667 Deeds, Wayne County Records; on a temporary basis to expire on February 1, 1991.

Provided, petitioner furnishes an agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the term hereof, and files same with the Finance Department, and further

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds by and at the permittee's expense, and further

Provided, the Grantee shall acquire no implied or other privileges not expressly stated herein; and further

Provided, That the property owned by petitioner and adjoining the temporary street closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of said street, and further

Provided, That no building or other structure is constructed in said street; that petitioner shall observe the rules of the City Engineering Department; and further the City of Detroit retains all rights and interests in the area herein temporarily closed; the City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed street, and further

Provided, That at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the City Engineering Department, by and at the permittee's expense, and further

Provided, That this grant may be revoked at the will, whim and caprice of the City Council without cause; and if this grant is continued for the five (5) year period; the City Council may, upon request and if the circumstances justify accordingly, grant an extension thereto.

Adopted as follows:
 Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 8
 Nays — None.