

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

Tuesday, January 27, 2015

No. of Pages 11

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

SUBJECT: *Petition #527, Service Employees Center, request to renew temporary street closure of a portion of Ledyard Street.*

FAX TO THE FOLLOWING DEPARTMENT(S):

Ms. Trisha Stein, Interim Director

Planning and Development Department (313) 224-1629

Mr. Richard Doherty, City Engineer

DPW - City Engineering Division (313) 224-1464

Attachment

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3

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Robin R. Underwood, CMC
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Tuesday, January 27, 2015

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

527 *Service Employees Center, request to renew temporary street closure of a portion of Ledyard Street.*

527

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OF COUNSEL

JUDITH A. SALE
ROGER J. MCCLOW

January 15, 2015

The Honorable City Council
Attn: Office of the City Clerk
200 Coleman A. Young Municipal Center
Detroit, MI 48226**Re: Petition to Renew Temporary Street Closing
Service Employees Center**

Dear Honorable City Council,

Please allow this to serve as a Petition to renew a temporary street closing on behalf of the Service Employees Center.

On March 16, 1994 the Honorable City Council, through Resolution, approved Petition No. 1998 resulting in a temporary closure of a portion of Ledyard Street.¹ (Resolution attached as Exhibit 1) The petitioning party at that time was Local 80 of the Service Employees International Union (SEIU).² On April 29, 2014, The Department of Public Works, City Engineering Division notified SEIU that this Petition had expired on or about May 1, 1999 and advised it to petition Council if it wished to renew the temporary closure. The following information supports the petitioning party's request to renew the temporary street closing.

The Service Employees Center (hereafter "Petitioner") is a Michigan nonprofit corporation and IRS §501(c)(2) tax exempt entity that holds title to property surrounding the temporary closure. The Petitioner was incorporated in 1961 to hold title to a commercial building located at 2604 Fourth

¹ This property is described as: "...a portion of Ledyard Street, 60 feet wide, between Fourth and Third Avenues lying southerly of and abutting the south line of Lot 10, Block 72; also lying northerly of and abutting the north line of Lot 27, Block 70, of the "Plat of the Subdivision of part of the Jones Farm, North of Grand River Avenue..." as recorded in Liber 6 Page 7, Plats, Wayne County Records. (March 16, 1994, J.C.C. Pgs. 475-76)

² The Resolution describes petitioning party as "Gas Workers Local No. 80, Service Employees International Union." (Exhibit 1)

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Attorneys at Law

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Street and operated jointly by SEIU Locals 79 and 80 as the union's principle offices. Today, SEIU still operates this building as its office, however, under the name SEIU Healthcare Michigan.

Since approval of Petition No. 1998, SEIU has used this street closure as a part of its parking lot attached to its offices at 2604 Fourth Street. (See Exhibit 2) In fact, the Petitioner owns the parcels of land directly north and south of this closure and together this property has been used as SEIU's only parking lot. The Petitioner wishes to continue use of this property (including the Ledyard closing) as a contiguous parking lot for the safe and efficient use by employees and union members who frequently visit the office.

The only structure installed by Petitioner on or over the temporary closure at Ledyard Street has been a security fence that surrounds the perimeter of the parking lot including the easterly and westerly boundaries of the street closure. (See Exhibit 2) The fence enclosing the parking lot has an automated gate that provides the minimum 13 feet horizontal and 15 feet vertical clearance for any utility maintenance vehicles to gain access to the temporary closure as required by the Resolution. The Petitioner does not intend to install any other structures on or over the temporary closure.

Further, Petitioner has complied with any and all applicable zoning ordinances as well as rules and regulations of the Department of Public Works, City Engineering Division and promises to continue such compliance throughout any renewed petition period.

The Resolution cites the Petitioner's agreement to hold the City harmless from any claims, damages or expenses that may arise out of the maintenance of the temporary street closure. The Petitioner agrees to extend these terms with the City throughout any renewed petition period.

For over 20 years, the Petitioner has maintained the property at issue in a safe and orderly manner. The temporary closure has not caused any risk to public safety from vehicular or pedestrian use of Ledyard Street. For much, if not all, of this time a "no outlet" sign has been posted on the corner of Ledyard and Third Street alerting drivers to the street closure. (See Exhibit 3) The Petitioner is unaware of any concerns relating to vehicular traffic flow caused by this street closure. In fact, access to the major thoroughfares of Grand River (west and south) and Temple (north) are not impeded by the closure. Drivers using Ledyard Street can access these roads by use of north and south bound Third and Second Streets. Throughout these 20 years, the Petitioner has received no complaints, concerns or objections to the Ledyard street closure from any public or private entity.

Regarding the surrounding property owners, there are no private residential or commercial buildings adjacent to the Ledyard Street closure that would be impacted by a renewed closure. The closure mostly abuts vacant land. Based upon a good faith search of public records, the Petitioner learned that the vacant property west of the closure is owned by Fourth Street Center, Inc, an entity affiliated

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Attorneys at Law

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with SEIU. (See Exhibit 4, highlighted in orange)³ Petitioners share common principle officers with Fourth Street Center, Inc., who consent to this petition. Again, the Petitioner is the owner of the property directly north⁴ and south⁵ of the closure. (See Exhibit 4, highlighted in yellow) The only adjacent property currently owned and occupied is due east of the closure. It is the Petitioner's understanding that this property (and entire block) is owned by Detroit Public Schools and operated by Cass Technical High School.⁶ (See Exhibit 4, highlighted in pink) To the extent Council requires, the Petitioner will attempt to obtain consent from DPS as part of this petition. Again, no property owners, including DPS, has raised any objection to this street closure since Council approved the closure over twenty years ago.

For the above stated reasons, Petitioner respectfully requests that Council approve this Petition and grant a renewed closure of Ledyard Street in its current location.

Very truly yours,

McKNIGHT, McCLOW, CANZANO,
SMITH & RADTKE, P.C.


Patrick J. Rorai

PJR/kap

Enclosures

cc: Marge Robinson
Brenda Robinson

R:\SERV\H\H\H\MI\Building Corporation\Service Employees\Center Bldg\Corp\Letters\Petition\Renew.wp1

³ The 3 parcels owned by Fourth Street Center are (1) 2641 Fourth Street (Lot 8, Block 71 Jones Farm; parcel# 4:004063); (2) 2654 W. Grand River (Lot 3 Block 20 Crane & Wessons) and (3) 2626 W. Grand River (Lots 1-7 Block 71 Jones Farm; parcel#4:00529)

⁴ These include Lots 10-11 Block 72 Jones Farm (parcel #4:003694); Lot 12 (parcel# 4:003695) and Lots 13-15 (parcel# 4:003696)

⁵ These include Lot 26 Block 72 Jones Farm (parcel # 4:003692); Lot 23 (parcel# 4:003691) and Lots 18, 19 & 22 (parcel #4:003690). The Petitioner is uncertain of the owner of Lot 27 (parcel# 4:003693)

⁶ This property includes, but is not limited to, 2587 Third Street (Lot 28, parcel # 4:003611); 2579 Third Street (Lot 25, parcel 4:003612); 2705 Third Street (Lot 9, parcel# 4:003610) and 2709 Third Street (Lot 8, parcel #4:003609)

City Engineering Department
March 4, 1994

Honorable City Council:

Re: Petition No. 1998. Gas Workers Local No. 80 Service Employees International Union, Temporary Street Closing a portion of Ledyard between Fourth and Third.

Petition No. 1998 of the "Gas Workers Local No. 80 — Service Employees International Union" requests the temporary closing of a westerly portion of Ledyard Street, 60 feet wide, between Fourth and Third Avenues.

The request was approved by the Department of Public Works — Traffic Engineering Division and the Community and Economic Development Department with certain restrictions. [NOTE: However, the request did not contain the written consent of the non-resident owners of 815-821 Ledyard and 829 Ledyard.]

Barden Cablevision, Detroit Edison Company, the Fire Department, Michigan Bell Telephone Company, Michigan Consolidated Gas Company, the Police Department, Public Lighting Department, and the Water and Sewerage Department (all) will require unimpeded access to service the public and/or their existing facilities. Any fence and gate installation must provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles.

All other city departments and privately owned utility companies have reported no objections to the closing, 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,
WILLIAM L. TALLEY
Head Engineer

By Council Member Ravitz:

Whereas, petition No. 1998 of the "Gas Workers Local No. 80 — Service Employees International Union" (requesting the closing of a westerly portion of Ledyard Street, 60 feet wide, between Fourth and Third Avenues) was approved by the Department of Public Works — Traffic Engineering Division and the Community and Economic Development Department with certain restrictions. [NOTE: However, the request did not contain the written consent of the non-resident owners of 815-821 Ledyard and 829 Ledyard.] therefore be it

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to the "Gas Workers Local No. 80 — Service Employees International Union" to close a portion of Ledyard Street, 60 feet wide, between Fourth and Third Avenues lying southerly of and abutting the south line of Lot 10, Block 72; also lying northerly of and abutting the north line of Lot 27, Block 70, of the "Plat of the Subdivision of part of the Jones Farm, North of Grand River Avenue", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 7, Plats, Wayne County Records; on a temporary basis to expire on May 1, 1999;

Provided, The petitioner shall file with the Finance Department 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 street closing; and

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and

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

Provided, No building or other structure (except necessary line fence), shall be constructed on or over the street. The petitioner shall observe the rules and regulations of the City Engineering Department. The City of Detroit retains all rights and interests in the temporarily closed public street. The City and all utility companies retain their rights to service, inspect, maintain, repair, install,

remove or replace utilities in the temporarily closed public street. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, All of the petitioner's public property fence and gate installation(s) shall be subject to the review and approval of the City Engineering Department (if necessary, in conjunction with the Department of Public Works — Traffic Engineering Division, Planning Department, and the Community and Economic Development Department); and

Provided, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, This resolution does not permit the storage of materials, display of merchandise, or signs within the temporarily closed public street. Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited; 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 Department by the petitioner at the petitioner's expense; and

Provided, This resolution is revocable at the will, whim or caprice of the 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, This permit shall not be assigned or transferred without the written approval of the 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.

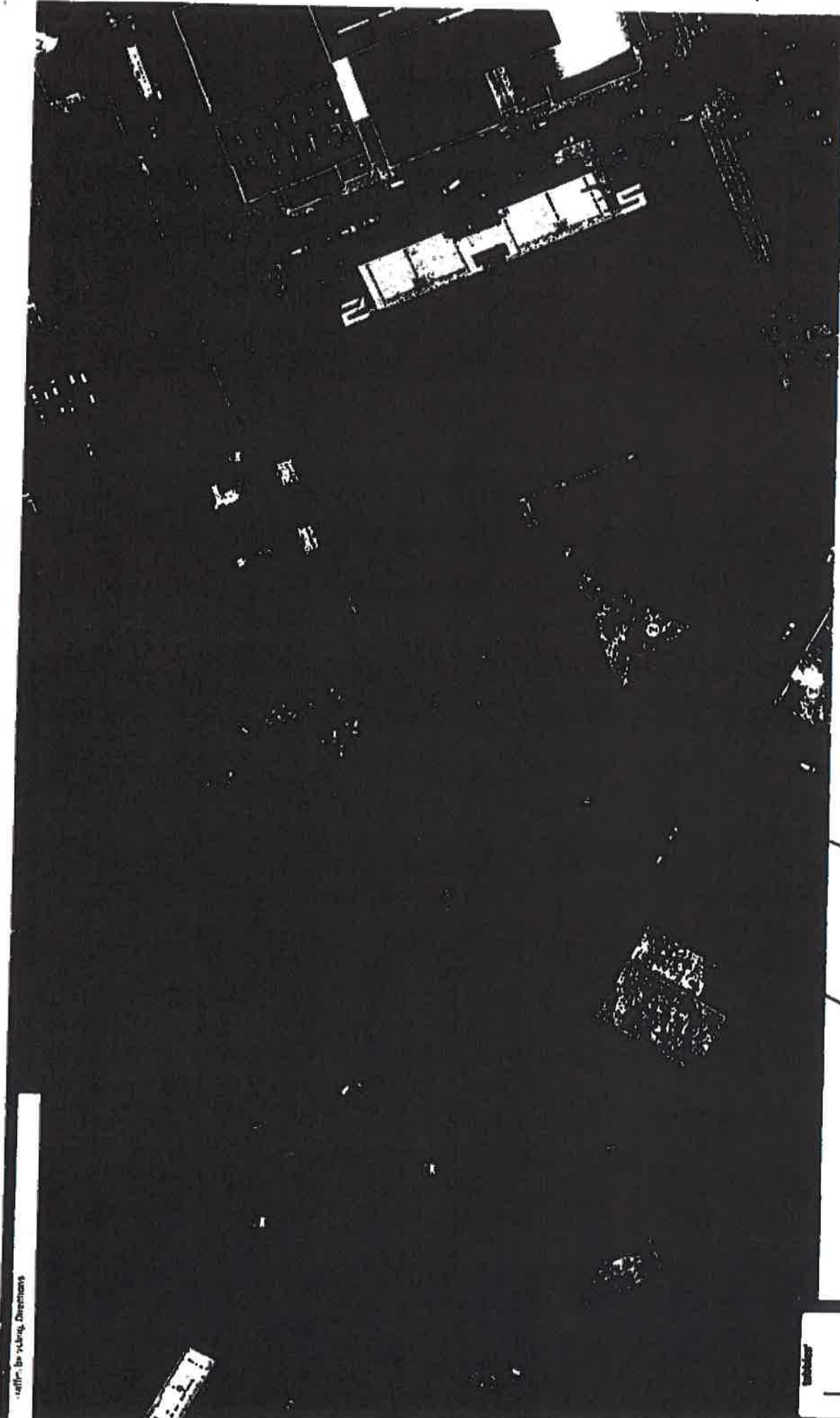
Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

MARCH 16, 1994
J.C.C. Pgs. 475-76





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EXHIBIT
2

2604 4th St.

Ledyard
Closure

https://www.google.com/maps/@42.3386861,-83.0627368,223m/data=!3m1!1e3?hl=en

Map data ©2015 Google, Imagery ©2015 Google, Street View ©2015 Google

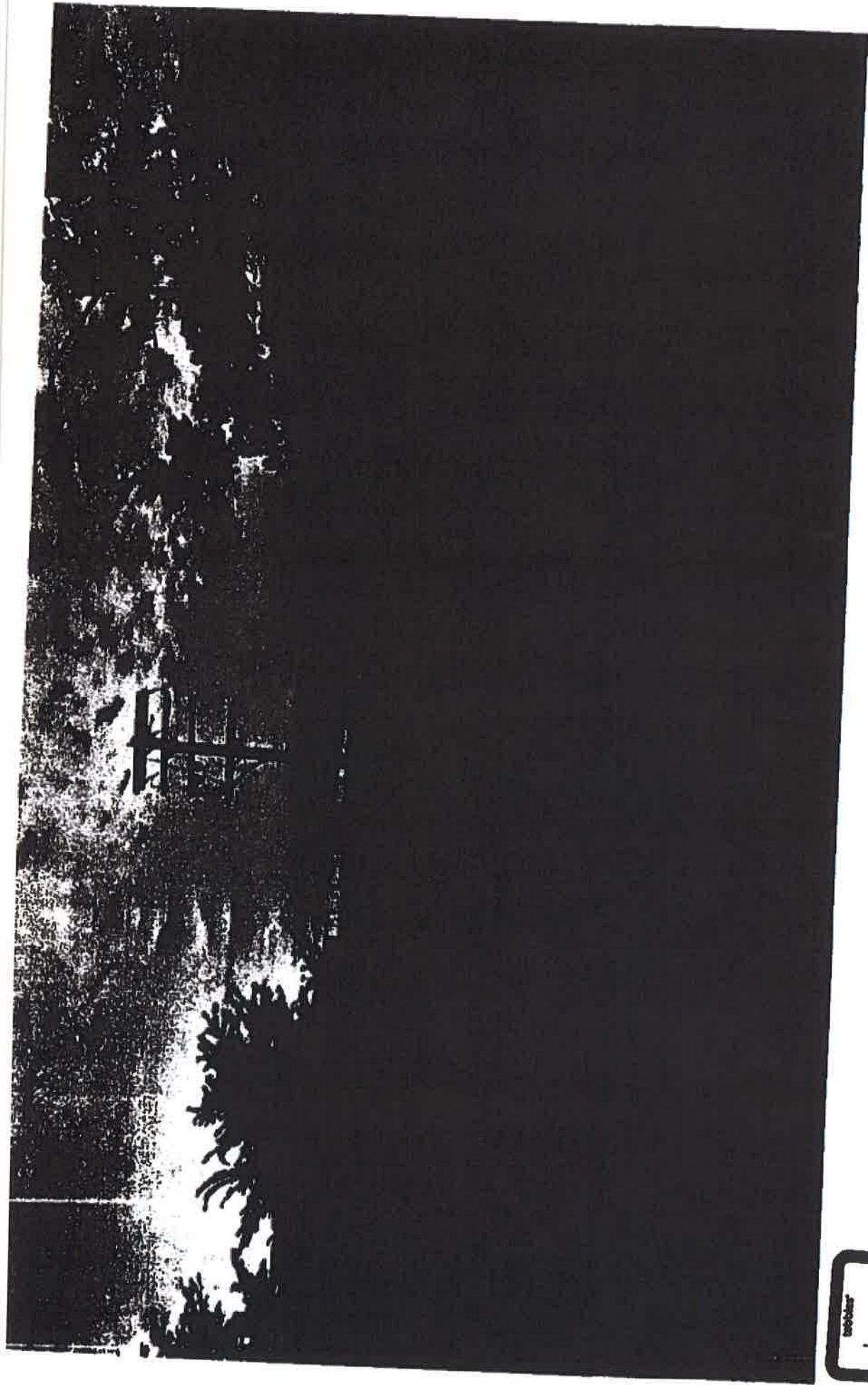


EXHIBIT
 3

<https://www.google.com/maps/place/815+Ledyard+St,+Detroit,+MI+48201/@42.339053,-83.062238,575v74370h8877h/Atlanta-17-4>

= Service Employees Center
 = Fourth Street Center, Inc.
 = Detroit Public Schools

PLAT MAP



EXHIBIT
4

PETITION NO. 1998
GAS WORKERS' LOCAL #80
C/O JIM DUBOISE
PHONE : (313) 861-4154

TEMPLE



AVE.

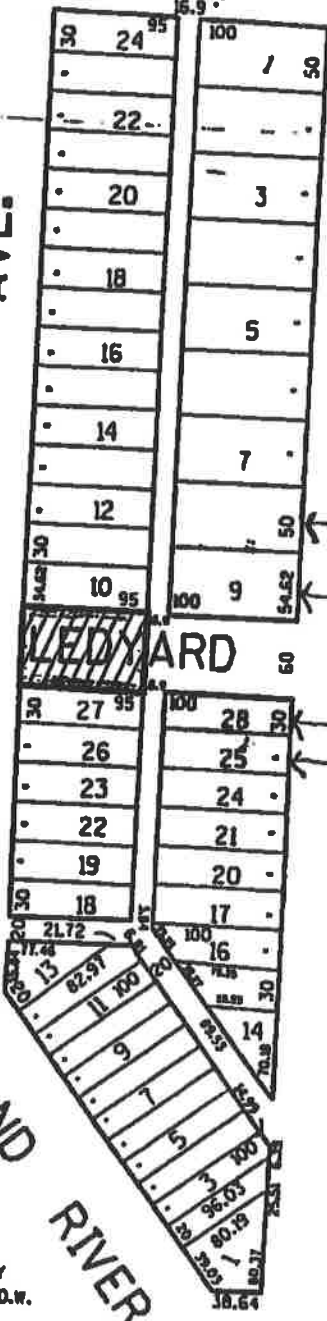
AVE.

FOURTH

THIRD

GRAND RIVER

HENRY



REQUESTED AREA FOR TEMPORARY
CLOSING OF A PUBLIC STREET R.O.W.
until 5-1-99.

CARTO NO. 29E
SCALE 1"=100'

(FOR OFFICE USE ONLY)

B					
A					
DESIGNED BY	V.T.M.	CHECKED BY		DATE	1-12-93
APPROVED BY		APPROVED			

GAS WORKERS' LOCAL #80
REQUESTED AREA FOR TEMPORARY
CLOSING OF A PUBLIC STREET R.O.W.

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
STREET BUREAU
JOB NO. 01-01
DRAWING X1998