

Adopted as follows:

Yeas — Council Members Bates, S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Pro Tem K. Cockrel, Jr.— 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

February 28, 2005

Honorable City Council:

Re: Petition No. 3007 — Callewaert Marketing Service, requesting for temporary closure of Brewster Street and public alleys in the area of Wilkins, Alfred, Grand Trunk Railroad, and St. Aubin.

Petition No. 3007 of "Callewaert Marketing Service", whose address is 23830 Schoenherr Road, Warren, MI 48089, requests the temporary closing of Brewster Street, 50 feet wide, and the North-South public alleys, 20 feet wide, all in the area of Wilkins Street, 50 feet wide, Alfred Street, 50 feet wide, Grand Trunk Railroad right-of-way, and St. Aubin Street, 50 feet wide.

The request was approved by the Traffic Engineering Division-DPW, and the Planning and Development Department. This petition was referred to the City Engineering Division — DPW for investigation and report. This is our report.

SBC Telecommunication and DTE Energy Gas will require unimpeded 24-hour access to the facilities in the requested area of temporary closure.

The Public Lighting Department (PLD) reports will remove only the street lighting circuit, if the petitioner request. PLD also requires underground and overhead easement rights 24-hours a day for heavy vehicles for maintenance of their installations.

All other 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.

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

Respectfully submitted,

WILLIAM TALLEY

Head Engineer

City Engineering Division — DPW

By Council Member Bates:

Resolved, The City Engineering — DPW is hereby authorized and directed to issue permits on behalf of "Kap's Wholesale Food Service, Inc." at 2001 Brewster Avenue, Detroit, Michigan 48226 to "Callewaert Marketing Service" to close Brewster Street, 50 feet wide, between St. Aubin Street, 50 feet wide, and Grand Trunk Railroad right-of-way lying Southerly of and abutting the South line of Lots 33 through 40, both inclusive, and lying Northerly of and abutting the

North line of Lots 25 through 32, both inclusive, all in the "Subdivision of Lots 14 and 15 on the Whitherell Farm" North of the Gratiot Turnpike as recorded in Liber 41 Page 450, Deeds, Wayne County Records; and lying Southerly of and abutting the South line of Lots 47 through 52, both inclusive, and lying Northerly of and abutting the North line of Lots 41 through 46, both inclusive, all in the "Plat of Subdivision of Outlot 34 St. Aubin Farm" as recorded in Liber 1 Page 173, Plats, Wayne County Records; on a temporary basis to expire on March 1, 2010;

Also, The City Engineering — DPW is hereby authorized and directed to issue permits on behalf of "Kap's Wholesale Food Service, Inc." at 2001 Brewster Avenue, Detroit, Michigan 48226 to "Callewaert Marketing Service" to close the North-South public alley, 20 feet wide, in the block bounded by Brewster Street, 50 feet wide, Alfred Street, 50 feet wide, St. Aubin Street, 50 feet wide, and Grand Trunk Railroad right-of-way lying Westerly of and abutting the West line of Lots 35 through 41, both inclusive, and lying Easterly of and abutting the East line of the public alley 20 feet wide, (vacated on April 10, 1956 — JCC Page 668) and Lots 34 and 42 all in the "Plat of Subdivision of Outlot 34 St. Aubin Farm" as recorded in Liber 1 Page 173, Plats, Wayne County Records; on a temporary basis to expire on March 1, 2010;

Also, The City Engineering — DPW is hereby authorized and directed to issue permits on behalf of "Kap's Wholesale Food Service, Inc." at 2001 Brewster Avenue, Detroit, Michigan 48226 to "Callewaert Marketing Service" to close the North-South public alley, 20 feet wide, in the block bounded by Brewster Street, 50 feet wide, Wilkins, 50 feet wide, St. Aubin Street, 50 feet wide, and Grand Trunk Railroad right-of-way lying Westerly of and abutting the West line of Lots 52 through 57, both inclusive, and lying Easterly of and abutting the East line of the public alley 20 feet wide, (vacated and converted to an easement on February 2, 1977 — JCC Pages 232-233) and Lots 51 and 58 all in the "Plat of Subdivision of Outlot 34 St. Aubin Farm" as recorded in Liber 1 Page 173, Plats, Wayne County Records; on a temporary basis to expire on March 1, 2010;

Provided, That the Detroit Water and Sewerage Department forces shall have free and easy access to the water main and facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and sewer facilities. Free and easy access shall mean that no structures or storage of materials will be allowed upon the temporarily closed street and alleys to hinder the movement of maintenance equipment; and be it further;

Provided, That where a fence is placed across the temporarily closed portion of a street/alley, then a gate must be installed to permit access for DWSD forces. The gate shall remain unlocked 24-hours a day, unless a guard is stationed near the gate to allow the Detroit Water and Sewerage Department ingress and egress at any time to and from the temporarily closed street or alleys. The minimum dimensions of the gate(s) shall provide a 15 feet vertical and 13 feet horizontal clearance for freedom of DWSD equipment movement; and be it further

Provided, That should the water main and/or sewer facilities be broken or damaged as result of any action on the part of the petitioner or assigns, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged water main and appurtenances, and waives all claims for damages; and be it further

Provided, That 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 and alley closing; and be it further

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 be it further

Provided, The property owned by the petitioner and adjoining the temporary public street and 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 street; and be it further

Provided, No buildings or other structures of any nature whatsoever (except necessary line fence), shall be construct-

ed on or over the street or alleys. 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 rights-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 street and alleys. 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 be it further

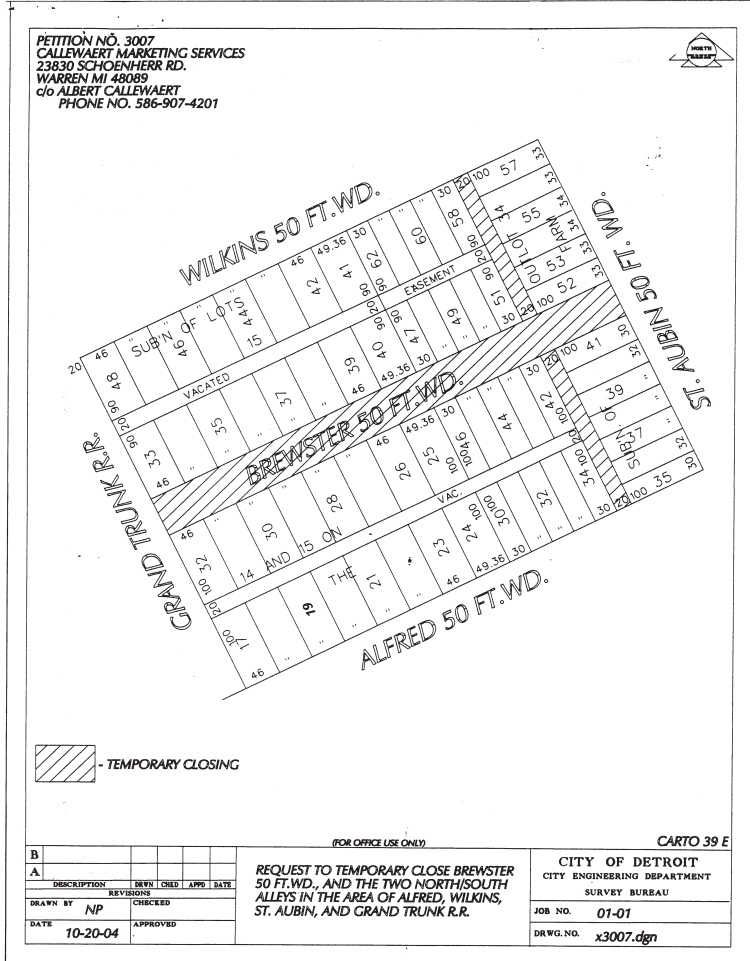
Provided, All of the petitioner's public property fence and gate installations shall be subject to the review and approval of the City Engineering Division — DPW (if necessary, in conjunction with the Traffic Engineering Division — DPW, and the Planning and Development Department); and be it further

Provided, This resolution does not permit the storage of materials, displays of merchandise, or signs within the temporarily closed street or alleys. Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited; and be it further

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 be it further

Provided, This resolution is revocable at the will, whim or caprices 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, This permit shall not be assigned or transferred without the written approval of the Detroit City Council



Adopted as follows:  
 Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**

February 28, 2005

Honorable City Council:  
 Re: Petition No. 2149 — Chief Judge, Third Circuit Court Timothy M. Kenny, requests for the temporary closure of Raynor Street between Clinton Street and Gratiot Avenue.

Petition No. 2149 of "Chief Judge, Third Circuit Court Timothy M. Kenny" at 302 Frank Murphy Hall of Justice, 1441 St. Antoine Avenue, Detroit, Michigan 48226, request for the temporary closure of Raynor Street, variable width, between Gratiot Avenue, 120 feet wide, and Clinton

Street, 40 feet wide for a five year period. The closure will provide more security for Frank Murphy Hall of Justice courthouse and Wayne County Jail.

The request was approved by the Traffic Engineering Division-DPW, and the Planning and Development Department. This petition was referred to the City Engineering Division — DPW for investigation and report. This is our report.

All other 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.

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

Respectfully submitted,

**WILLIAM TALLEY**  
 Head Engineer

City Engineering Division — DPW