

October 30

3799

2007

**Department of Public Works
City Engineering Division**

October 1, 2007

Honorable City Council:

Re: Petition No. 0163. L. Thoms Leasing, Inc. at 175 S. Campbell. Alley to Easement and Temporary Alley Closing(s), the east-west public alleys, and the north-south public alley in the block bounded by S. Cavalry, S. Campbell, Driggs and the Railroad.

Petition No. 0163 of the "L. Thoms Leasing, Inc. at 175 S. Campbell, et al." requests the conversion of the east-west public alley, 18 feet wide, east of S. Cavalry and north of Driggs into a private easement for public utilities; also the temporary closing or the north-south public alley, 20 feet wide, (all) in the block bounded by S. Cavalry, S. Campbell, Driggs Avenues and the Michigan Central Railroad.

The request was approved by the Traffic Engineering Division — DPW and the Planning and Development Department with certain restrictions.

The Water and Sewerage Department requires unimpeded access to service existing sewer 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 time to their facilities.

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

Respectfully submitted,
JESSY JACOB. P.E.

Interim City Engineer

City Engineering Division — DPW

By Council Member Tinsley-Talabi:

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to the owner(s) of "L. Thoms Leasing, Inc. at 175 S. Campbell, Detroit, Michigan" to close the following public alleys:

(1) A western portion of the east-west public alley, 20 feet wide, in the block bounded by S. Campbell, Junction, Driggs Avenues and the Michigan Central Railroad lying southerly of and abutting the south line of the eastern 20.00 feet of Lot 198 and Lot 197; also lying northerly of and abutting the north line of the eastern 20.00 feet of Lot 195 and Lot 196 of the "Second Plat of the Subdivision of part of the Walter Crane Farm, Private Claim 39, between Public Alley South of Fort Street and Harvey Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 26, Plats, Wayne County Records; also

(2) All of the north-south public alley, 18 feet wide, in the block bounded by S.

Campbell, Junction, Driggs Avenues and the Michigan Central Railroad having been platted as the eastern 18.00 feet of Lot 195 of the "Second Plat of the Subdivision of part of the Walter Crane Farm, Private Claim 39, between Public Alley South of Fort Street and Harvey Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 26, Plats, Wayne County Records; said part of lot having been deeded to the City of Detroit for public alley purposes on June 11, 1912;

The above described public alleys shall be closed on a temporary basis to expire on November 1, 2012;

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 alley 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 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, No building or other structure (except necessary line fence), shall be constructed on or over the alley. 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 alley. The city and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. 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 City Engineering Division — DPW (if necessary, in conjunction with Traffic Engineering Division — DPW and the Water and Sewerage 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 advertising signs within the temporarily closed public alley.

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Further, the placement of materials, merchandise, or advertising signs on any adjacent berm area is prohibited. It is the intent of this provision to prohibit private advertising within public rights-of-way, but not signs conforming to the current Michigan Manual of Uniform Traffic Control Devices; and

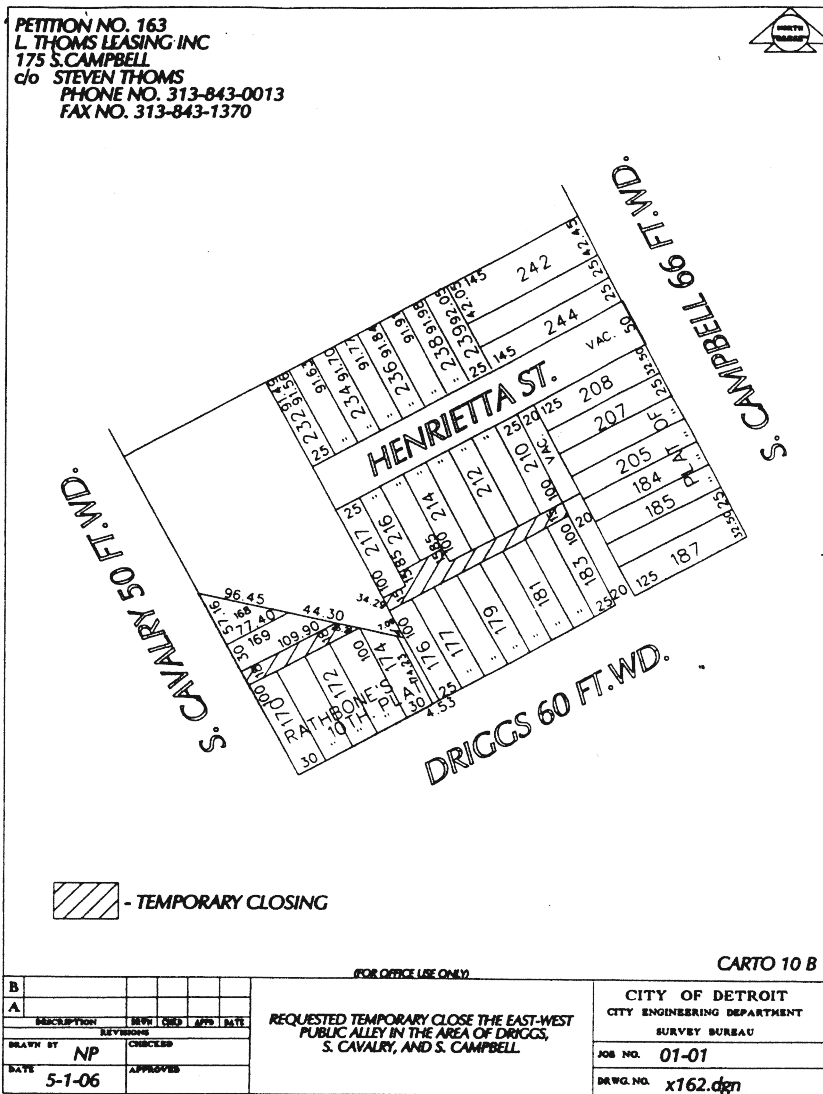
Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division — DPW by the petitioner at the petitioner's expense; and

Provided, 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 S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, Conyers, and President K. Cockrel, Jr. — 9.
 Nays — None.