

July 25

2095

2007

**Department of Public Works
City Engineering Division**

July 19, 2007

Honorable City Council:

Petition No. 4191 — André B. Lumpkin and Ross's Service Repair, request for the temporary closure of the East-West public alley in the area of Joy Road, Clairmount, Linwood, and Lawton.

Re: Petition No. 4191 of "André B. Lumpkin and Ross's Service Repair" whose address is 2754 Clairmount Avenue and 27551 Lawton, Detroit, Michigan 48206 request for permission to temporarily close the East-West public alley, 16 feet wide, in area of Joy Road Avenue, 66 feet wide, Clairmount Avenue, 50 feet wide, Linwood Avenue, 86 feet wide, and Lawton Avenue, 60 feet wide in order to prevent the illegal drug dealing, prostitution, and abandoned vehicles in the request area.

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

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 time to their facilities.

You will find attached an appropriate resolution, for your Honorable Body's consideration, authorizing the City Engineering Division - DPW to issue permits to close said alley, on a temporary basis (for a period of five (5) years) to expire on July 17, 2012.

Respectfully submitted,

JESSY JACOB

Interim City Engineer

City Engineering Division - DPW
By Council Member Reeves:

Resolved, The City Engineering Division - DPW is hereby authorized and directed to issue permits to "André B. Lumpkin and Ross's Service Repair and/or Assigns", to close the East-West public alley, 16 feet wide in the block bounded by Joy Road Avenue, 66 feet wide, Clairmount Avenue, 50 feet wide, Linwood Avenue, 86 feet wide, and Lawton Avenue, 60 feet wide. Being all that part of the East-West public alley, 16 feet wide, lying Northerly of and abutting the North line of Lots 103 through 124, both inclusive, and lying Southerly of and abutting the South line of Lots 125 through 146, both inclusive all in the "Peter's Subdivision" of the Northeasterly part of 1/4 Section 48, 10,000 Acre tract, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 32 Page 45, Plats, Wayne County Records; on a temporary basis (for a period of five (5) years) to expire on July 17, 2012;

Provided, 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, That access gates are installed, and ingress/egress is provided and maintained for all property owners and businesses adjacent to or directly impacted by said closure. The TED also requires that the petitioner contact the Operations Section of TED for deploying proper signage barricades and detour routes during the closure period (if necessary); and

Provided, That the petitioner, all other property owners and business owners adjacent to or directly impacted by said closure is still responsible for the maintenance and/or upkeep of that portion of the public alley that abuts his/her property; and further

Provided, No buildings or structures of any nature whatsoever (except necessary barricades), shall be constructed on or over the 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 temporary 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 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, All of the petitioner's public property fence, gate and barricade 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

Provided, This resolution does not permit the storage of materials, displays of merchandise, or signs within the temporary closed public rights-of-way. 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 Division - DPW by the petitioner at the petitioner's expense; and

Provided, The petitioner's fence, gate and barricade installations shall provide 13 feet

July 25

2096

2007

horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

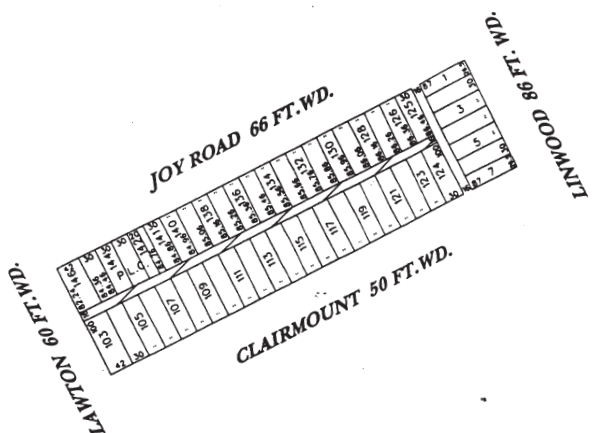
Provided, This resolution is revocable at the will, whim or caprice of the Detroit City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for 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; 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.

PETITION NO. 4191
ANDRE' B. LUMPKIN & ROSS'S SERVICE REPAIR
1754 CLAIRMOUNT & 27551 LAWTON
 c/o MR. ANDRE LUMPKIN
 PHONE NO. 313-898-6070



 **REQUESTED TEMPORARY CLOSURE**

(FOR OFFICE USE ONLY)

CARTO 22e

| | | | | | |
|--|----------|------|------|------------------------------------|------------------------|
| B | | | | CITY OF DETROIT | |
| A | | | | CITY ENGINEERING DEPARTMENT | |
| DESCRIPTION | REVISED | CHKD | APPR | DATE | SURVEY BUREAU |
| REQUESTED TEMPORARY CLOSURE OF THE EAST-WEST PUBLIC ALLEY, 16 FEET WIDE IN THE BLK. BND. BY LAWTON, LINWOOD AND CLAIRMOUNT. | | | | | JOB NO. 01-01 |
| DRAWN BY | CHECKED | | | | DRWG. NO. x4191 |
| DATE | APPROVED | | | | |
| 7/31/06 | | | | | |

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

Planning & Development Department
 July 13, 2007

Honorable City Council:
 Re: Petition No. 1552 — Salad Creations

request for Outdoor Café at 1043 Woodward Avenue, Detroit, Michigan 48226.

The above named Petitioner has requested permission to have Outdoor Café at 1043 Woodward Avenue.

The Department of Public Works/City Engineering Division (DPW/CED) has approved this petition provided that the petitioner obtains all necessary permits from City Engineering Division — DPW Permits.