

October 21

2858

2008

Adopted as follows:

Yeas — Council Members Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President Conyers — 7.

Nays — None.

**Department of Public Works  
City Engineering Division**

August 6, 2008

Honorable City Council:

Re: Petition No. 684 — Priscilla Foster at 19903 Warrington, Detroit, Michigan 48219, and request to Temporarily close the alley in the area of Livernois, Warrington, Pembroke, and Chippewa.

Petition No. 684 of "Priscilla Foster", at 19903 Warrington, Detroit, Michigan 48219 request for the Temporary closure of the North-South public alley, 18 feet wide, in the block bounded by Chippewa Avenue, 50 feet wide, Pembroke Avenue, 66 feet wide, Livernois Avenue, 120 feet wide, Warrington Drive, 50 feet wide.

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 times 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 September 10, 2013.

Respectfully submitted,

JESSY JACOB

Interim City Engineer

City Engineering Division — DPW

By Council Member Tinsley-Talabi:

The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Priscilla Foster at 19903 Warrington, Detroit, Michigan 48219" the North-South public alley, 18 feet wide in the block bounded by Chippewa Avenue, 50 feet wide, Pembroke Avenue, 66 feet wide, Livernois Avenue, 120 feet wide, Warrington Avenue, 50 feet wide. Being all that part of the North-South public alley, 18 feet wide, lying Westerly of and abutting the West line of Lots 118 through 135, both inclusive, and lying Easterly of and abutting the East line of Lots 1 through 42, both inclusive, all in the "Greenacres Subdivision" of part of West 1/2 of Northwest 1/4 of Section 3, T.1S., R.11E. City of Detroit, Wayne County, Michigan as recorded in Liber 39 Page 13, Plats, Wayne County Records;

Provided, That 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 street 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.

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, No buildings or other structures of any nature whatsoever (except necessary barricades), shall be constructed on or over 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 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 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 temporarily 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 horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

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

