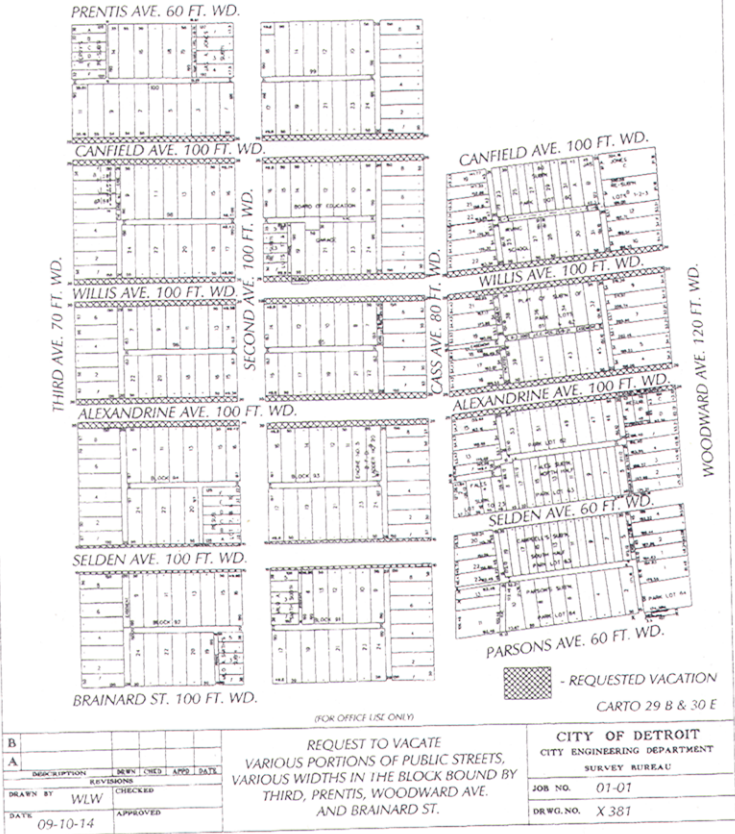


PETITION NO. 381  
 GIFFELS WEBSTER  
 28 W. ADAMS, SUITE 1200  
 DETROIT, MICHIGAN 48226  
 C/O JAMES FOSTER  
 PHONE NO. 313 962-4442



Adopted as follows:  
 Yeas — Council Members Benson, Castaneda-Lopez, Cushingberry, Jr., Leland, Sheffield, Spivey, Tate, and President Jones — 8.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**  
 June 23, 2015

Honorable City Council:  
 Re: Petition No. 235, Brooksey's LLC, request to permission to permanently vacate the alley located between W. Warren Ave., and Holmes and between Proctor St. and Central. (Related to Petition 2162).  
 Petition No. 235 — Brooksey's LLC, request to vacate and convert to easement the east-west public alley, 16 feet wide, in the block of Holmes Avenue, 60

feet wide, West Warren Avenue, 100 feet wide, Central Avenue, 60 feet wide, and Proctor Avenue, 60 feet wide. The request has been amended to renew the existing temporary closure due to the existing usage and conditions.  
 The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.  
 The request is a renewal of an existing closure that has no record of objections. The request is being made to maintain security and prevent illegal dumping.  
 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. Provisions protecting the rights of the utilities and the City are a part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
RICHARD DOHERTY, P.E.  
City Engineer

City Engineering Division — DPW  
By Council Member Benson:

Whereas, The previous petition #2162 to temporarily close the east-west public alley, 16 feet wide, in the block of Holmes Avenue, West Warren Avenue, Central Avenue, and Proctor Avenue was granted by City Council on July 15, 2008 (J.C.C. pages 1840-1841), and

Whereas, The petitioner complied with the terms, conditions and restrictions of the previously granted Council resolution; therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Brooksey's LLC" at 7625 West Warren Avenue, Detroit, Michigan 48210 to close the East-West, open public alley, 16.00 feet wide, described as lying Southerly of and abutting the South line of Lots 15 through 32, both inclusive, and lying Northerly of and abutting the North line of Lots 130 through 147, both inclusive, all in the "William L. Holmes and Frank A. Verner's Subdivision of a part of Lot 8 and Lot 9 of the Richard McDonald Estate Fractional Section 9, T.2S., R.11E. Springwells, (now City of Detroit) Wayne County Michigan" as recorded in Liber 16 Page 73 Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on July 1, 2020;

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 alley closing; 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, 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, No buildings or other struc-

tures of any nature whatsoever (except necessary line fence), 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 right-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, The petitioner's fence, gate and barricade installations shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles and must only be installed in such a way to not prohibit pedestrian traffic within the sidewalk space; 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 temporary area is prohibited; and

Provided, That if there is still a need for access from any of the abutting property owners to said temporary closed alley, access shall and must be maintained for those properties; and

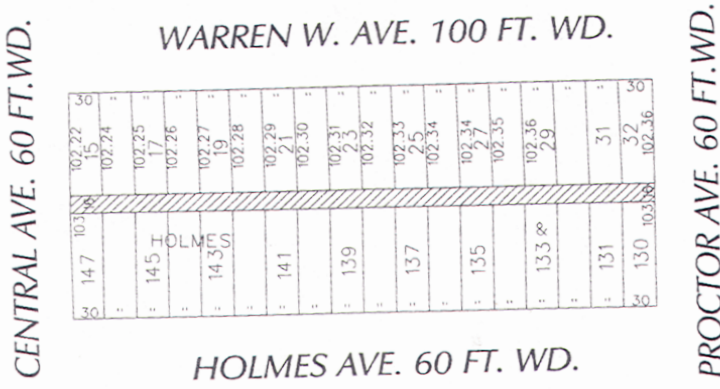
Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division — DPW by the petitioner at the petitioner's expense; and

Provided, That 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 the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant extension thereto; and

Provided, That 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. 235  
 BROOKSEY LLC  
 7625 WARREN W. AVE.  
 DETROIT, MICHIGAN 48210  
 C/O BROOKSEY IRVINE JR.  
 PHONE NO. 313 617-6195



- REQUESTED TEMPORARY CLOSURE

(FOR OFFICE USE ONLY)

CARTO 5 A

B					
A					
DESCRIPTION	DEWN	CHLD	APPD	DATE	
REV. GROUND					
DRAWN BY	WLW	CHECKED			
DATE	05-20-14	APPROVED			

REQUEST TO TEMPORARY CLOSE  
 THE EAST/WEST PUBLIC ALLEY, 16 FT. WD.  
 IN THE BLOCK BOUND BY  
 WARREN W., PROCTOR, HOLMES  
 AND CENTRAL AVE.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 235

Adopted as follows:  
 Yeas — Council Members Benson, Castaneda-Lopez, Cushingberry, Jr., Leland, Sheffield, Spivey, Tate, and President Jones — 8.  
 Nays — None.

**Permit**

Honorable City Council:  
 To your Committee of the Whole was referred petition of North Cass Community Union (#693), to conduct "Daily in the Alley". After consultation with the Detroit Police Department and careful consideration of the request, your Committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,  
 SCOTT BENSON  
 Chairperson

By Council Member Benson:  
 Resolved, That subject to the approval of the Mayor's Office, DPW — City Engineering Division, Building, Safety Engineering and Environmental, Business License Center, Transportation, Police and Fire Departments, permission be and is hereby granted to North Cass Community Union (#693), to conduct "Daily in the Alley" on September 12, 2015 from 11:00 a.m. to 11:00 p.m. with temporary street closures.  
 Resolved, That the Building, Safety Engineering and Environmental Department is hereby authorized to waive the zoning restrictions on said property during the period of the promotion.  
 Provided, That the required permits be secured should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further