

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

**Department of Public Works
 City Engineering Division**

April 7, 2015

Honorable City Council:
 Re: Petition No. 277, Ferrini Contracting Corporation, request to renewal of a temporary closure of Auburn Street between Glendale Avenue and the Chessie System Railroad right-of-way. (Reference petition #2722).

Petition No. 277 — Ferrini Contracting Corporation and Praxair Inc., request to

renew the temporary closure of Auburn Avenue, 30 and 55 feet wide, from Glendale Avenue, 60 feet wide, southward to the Auburn Street dead end at the Chessie System Railroad right-of-way.

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.

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 petitions to temporarily close Auburn Avenue, 30 and 55 feet wide including petition 2722 approved June 13, 2001 (J.C.C. pages 1667-68) have been granted by City Council, and

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

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue a permit to Ferrini Contracting Corporation whose address is 12735 Auburn Avenue, Detroit, MI 48223 and/or Praxair Incorporated whose address is 39 Old Ridgebury Road, Danbury, CT 06810 or their assigns to temporarily close Auburn Avenue, 30 and 55 feet wide, from the south line of Glendale Avenue, 60 feet wide, to the north line of the Chessie system railroad right-of-way; and described as land in the City of Detroit, Wayne County, Michigan being Auburn Avenue, 30 and 55 feet wide, lying westerly of and adjoining the westerly line of Lots, 3, 4, 5 and 6 "B. E. Taylor's Brightmoor Consolidated Railroad Sites Subdivision lying south of Grand River Avenue being part of the N. W. 1/4 of Section 26, T.1.S. R.10.E. Redford Township, Wayne County, Michigan" as recorded in Liber 52 Page 48 of Plats, Wayne County Records; also lying easterly of and adjoining the east line of the private plat known as "B. E. Taylor's Brightmoor Industrial Unit No. 1" (except that part dedicated for the widening of Auburn Avenue on March 11, 1958 — J.C.C. pages 368-369), being part of the West Half of the West Half of the Northwest 1/4 of Section 26, T.1.S. R.10.E. City of Detroit, Wayne County, Michigan on a temporary basis for (5) years to expire May 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 street 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

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 structures of any nature whatsoever (except necessary line fence), shall be constructed on or over the public right-of-way. The petitioner shall observe the rules and regulations of the City Engineering Division — DPW. The City of Detroit retains all rights and interest in the temporary 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 right-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 right-of-way. Further, the placement of materials, merchandise, or signs on any adjacent temporary area is prohibited; and

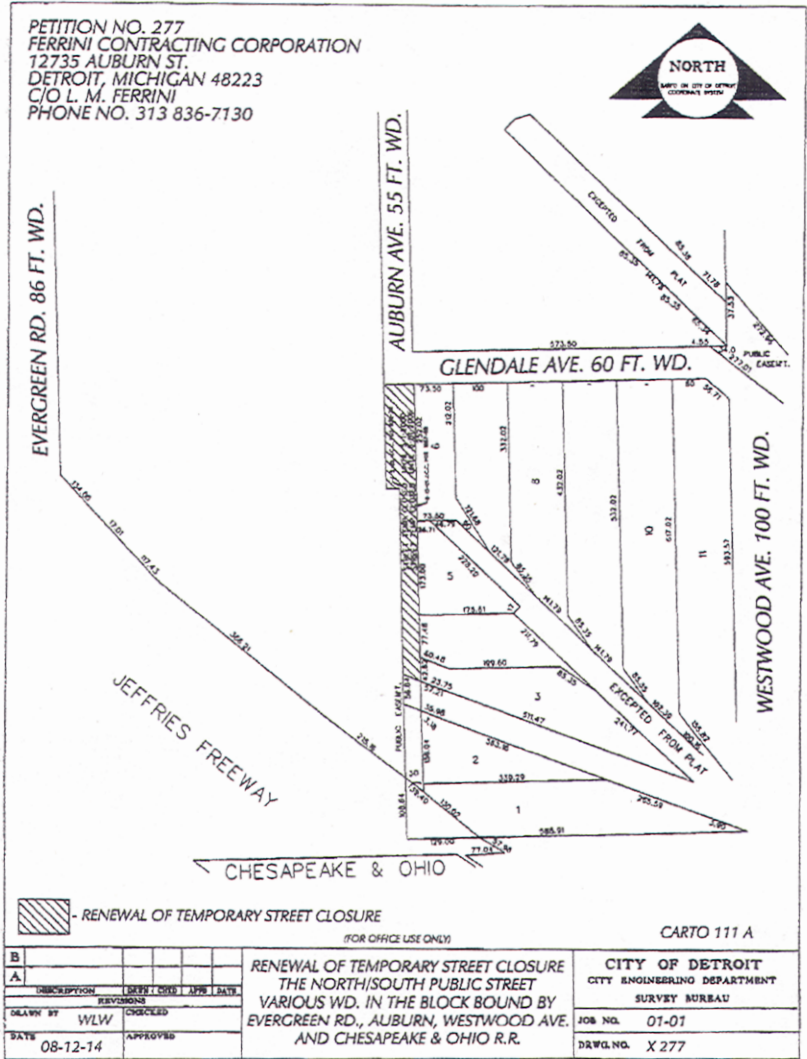
Provided, That if there is still a need for access from any of the abutting property owners to said temporary closed alley, access shall and must be maintained for those properties; and

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 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.



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

**Department of Public Works
 City Engineering Division**
 April 10, 2015

Honorable City Council:
 Re: Petition No. 304, Focus: HOPE, request for renewal of temporary closure of right-of-way located at 15331 Idaho/15306 Rosa Parks Blvd. (Related to Petition #559).
 Petition No. 304, Focus: HOPE for renewal of the temporary closure of Idaho

Avenue, 60 feet wide, from Pear Avenue, 30 feet wide, southward to the dead end at the Detroit Terminal Railroad Right-of-way and John C. Lodge Freeway.

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 in order to keep Focus: HOPE property and the neighborhood secure.

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.