

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.

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 to temporarily close Idaho Avenue, 60 feet wide, being petition no. 559 approved October 30, 1991 (J.C.C. pages 2350-51) was 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 Focus: HOPE or their assigns to temporarily close Idaho Avenue, 60 feet wide, from the south line of Pear Avenue, 30 feet wide southerly to the dead end at the Detroit Terminal Railroad near the John C. Lodge Freeway and described as land in the City of Detroit, Wayne County, Michigan being Idaho Avenue, 60 feet wide, lying westerly of and adjoining the westerly line of a private road, 33 feet wide and Lots 134, 135, 136, 137 and the South 17.46 feet of Lot 138 "Robert Oakman's Everitt '30' Subdivision of part of the southwest quarter of Section 14, Town 1 South, Range 11 East, Greenfield Township, City of Detroit, Wayne County, Michigan" as recorded in Liber 27, Page 10 of Plats, Wayne County Records; also lying easterly of and adjoining the east line of that portion of above said Plat vacated by order of (Wayne County) Circuit Court File No. 63578 on March 20, 1916 (L. 1069, P. 571) above portion of Idaho Avenue being more particularly described as follows: Beginning at intersection of the southerly line of Pear Avenue, 30 feet wide and the westerly line of Idaho Avenue, 60 feet wide; thence N86°46'33"E along the southerly line of Pear Avenue extended, 61.09 feet to a point on the easterly line of Idaho Avenue; thence S02°05'14"E along the easterly line of Idaho Avenue 193.88 feet; thence S63°35'50"W, along the southerly line of Idaho Avenue, 49.28 feet; thence S87°52'51"W, continuing along the southerly line of Idaho Avenue, 17.56 feet to the westerly line of Idaho Avenue; thence N02°05'14"W, along the westerly line of Idaho Avenue 213.02 feet to the point of beginning, containing 12,536 square feet or 0.2878 acres, more or less; 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 street 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 street closing, and

Provided, That 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 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 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 street, 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

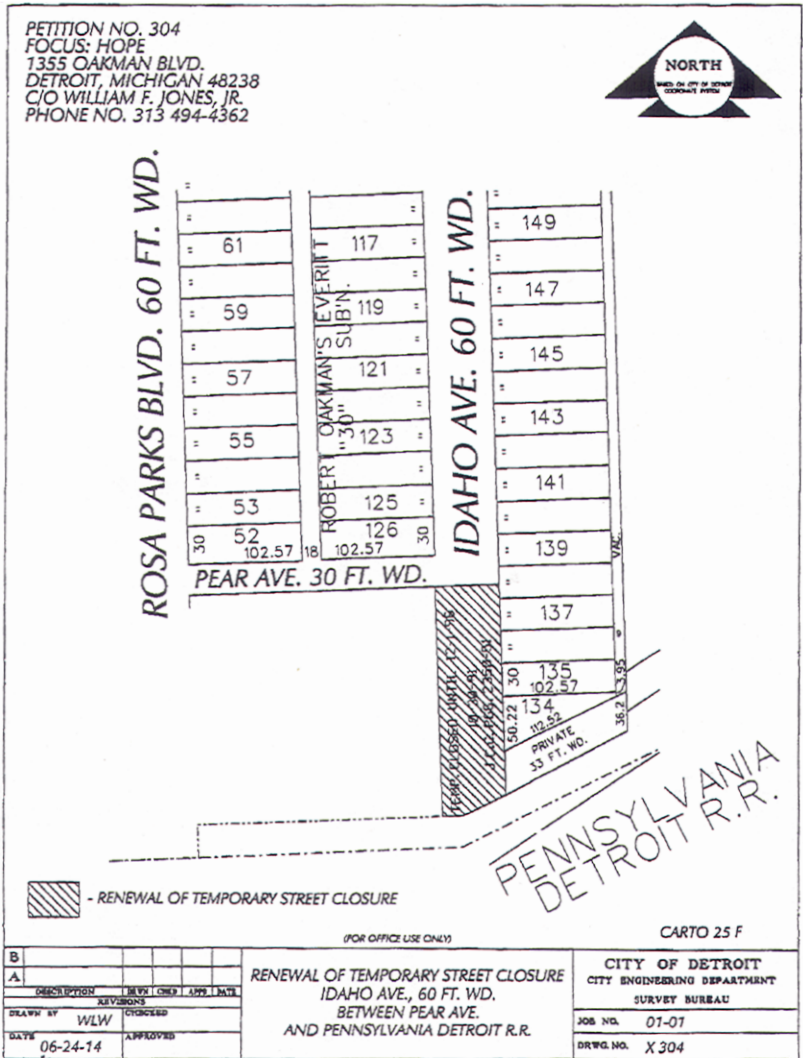
Provided, That this resolution is revocable at the will, whim or caprice of the Detroit City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges

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, 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



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