

through the use of railings in order to regulate and control the serving of liquor within the perimeter of the café; and

Provided, That the outline and location of the outdoor café is not to differ from the site plan approved by the Planning and Development Department and the Department of Public Works; and

Provided, That if any tent, canopy or other enclosure is to be utilized on the subject site, the applicant shall secure prior approval from Building, Safety Engineering & Environmental Department and the Department of Public Works/City Engineering Division; and

Provided, That the outline and location of outdoor café is not to be different from previously approved site plan by the Historic District Commission; and

Provided, That all railing equipment and fixtures shall be removed from the public right-of-way during the months of non-operation and placed in storage; and

Provided, That a certified copy of this Resolution shall be recorded with the Office of the Register of Deeds for Wayne County at the "permittee's" expense.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Cushingberry, Jr., Leland, Spivey, Tate and President Jones — 8.

Nays — None.

**PUBLIC HEALTH AND SAFETY
STANDING COMMITTEE**

**Department of Public Works
City Engineering Division**

May 27, 2016

Honorable City Council:

Re: Petition No. 256 — Cisneros Properties, LLC, request for renewal of temporary closure of a certain right-of-way near Greenfield Road and Winthrop (Related to Petition #4063.)

Petition No. 256 — Cisneros Properties, LLC, request for a renewal of temporary closure for the south part of the north-south alley, 20 feet wide, in the block bounded by Trojan Avenue, 60 feet wide, Lodge Freeway, Winthrop Avenue, 60 feet wide and Greenfield Avenue, 106 feet wide.

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

The request is being made to maintain security and to prevent illegal dumping for the property owners adjoining the alley. The area of the request is the southerly part of the north-south alley, and it was previously approved as a temporary closure by petition no. 4063 on September 17, 2001 on J.C.C. pages 2547-2549.

All involved City departments and privately owned utility companies have

reported no objections to the proposal, provided then 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, Cisneros Properties, LLC has complied with the terms, conditions and restrictions of the Detroit City Council resolution of Petition number 4063, to temporarily close the south part of the north-south alley, approved by your Honorable Body on September 17, 2001 (Journal of City Council pages 2547-2549) now therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to Cisneros Properties, LLC to close the south portion of the north-south alley, 20 feet wide, in the block bounded by Trojan Avenue, 60 feet wide, Lodge Freeway, Winthrop Avenue, 60 feet wide and Greenfield Avenue, 106 feet wide and being more particularly described as: the north-south alley, 20 feet wide lying easterly of and adjoining the easterly line of Lots 235 through 242, both inclusive, also lying westerly of and adjoining the westerly line of Lots 54 through 72, both inclusive "Maloney Park Subdivision of the N.E. 1/4 of the N.E. 1/4 of Section 1, T.1S., R.10E. City of Detroit, Wayne County, Michigan" as recorded in Liber 60, Page 2, Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on June 1, 2021; and

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 structures 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 caprices 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.

