

Adopted as follows:

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

Nays — None.

**Department of Public Works
City Engineering Division**

March 26, 2018

Honorable City Council:

Re: Petition No. 1555 — Sunshine Ltd., Word Processing Specialist request to temporarily close Berden Avenue between Radnor Avenue, and Balduck Memorial Park.

Petition No. 1555 of Sunshine Ltd., Word Processing Specialist whose address is 6100 Radnor Avenue, Detroit, Michigan 48224 c/o Carol D. Cook request for the renewal of the temporary closure (previously adopted on June 11, 2013 JCC pages 1509-62) of Berden Avenue, 60 feet wide, between Radnor Avenue, 60 feet wide, and Balduck Memorial Park, to continue to abate the nuisance conditions in said area.

The last petition (#2614) to temporarily close the referenced public street was granted by City Council on June 11, 2013 JCC pages 1509-62. Petition #2614 will expire on May 31, 2018 and the petitioner is requesting a 5 year extension.

The petition was referred to the City Engineering Division - DPW for preparation of a renewal temporary street closing resolution, extending 5 more years; subject to the customary provisions governing a temporary public street closing, and any other provisions/conditions set by Traffic Engineering Division - DPW for the temporary closure of said street.

There is an appropriate resolution, containing the necessary conditions, attached for consideration by your Honorable Body.

Respectfully submitted,
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division—DPW

By Council Member Ayers:

Whereas, Three petitions to temporarily close Berden Avenue, 60 feet wide, between Radnor Avenue, 60 feet wide, and Balduck Memorial Park have been previously granted by City Council: Petition No. 3955 on April 24, 2002 JCC pages 1140-43; Petition 1563 on June 10, 2008 JCC pages 1501-03; and Petition 2614 on June 11, 2013 JCC pages 1509-62; and

Whereas, The last temporary closing renewal expires on May 31, 2018 and the petitioner has requested a further extension (Petition No. 1555, referred to the City Engineering Division - DPW); and

Whereas, The Petitioner/abutting property owner(s) have abided by all the conditions set forth in previous resolutions and will be held to the same conditions and

provisions set in the previously granted Council resolutions; therefore be it

Resolved, That the City Engineering Division - DPW is hereby authorized and directed to issue permits to "Sunshine Ltd. Word Processing Specialist" at 6100 Radnor Avenue, Detroit, Michigan 48224, in care of Carol Cook (owner) to close part of Berden Avenue, 60 feet wide, east of Radnor Avenue, described as lying Southerly of and abutting the South line of Lot 27 and lying Northerly of and abutting the North line of Lot 28 of "Leonard - Hillger Land Company Subdivision" of a part of Lots 16,17 and 18 of Plat Private Claim 300, prepared for the heirs of Oliver Rivard, Dec'd and recorded in Liber 221, Page 332 of Deeds, Grosse Pointe and Gratiot Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 41 Page 77 Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on June 1,2023;

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'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, 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, That 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 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 dam-

ages 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.

PETITION NO. 1555
SUNSHINE LTD. C/O CAROL COOK
6100 RADNOR
DETROIT, MICHIGAN 48224
PHONE NO. 313 575-3866
C6100@HOTMAIL.COM

(FOR OFFICE USE ONLY)

B					
A	DESCRIPTION	DWN	CRD	APP	DATE
DRAWN BY	JK	CHECKED			
DATE	3-26-18	APPROVED			

REQUEST RENEWAL OF TEMPORARY CLOSURE OF BERDEN AVENUE FROM RADNOR AVENUE EASTWARD TO DEAD END AT BALDUCK PARK

CARTO 106F	
CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRAWING NO.	X1555

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