

of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; and be it further

Resolved, City Council is requested to declare the city's "intent" to accept the deed and new public alley outlet, being described as follows:

Land in the City of Detroit, County of Wayne, State of Michigan, in the block bounded by Michigan Avenue, 120 feet wide, Otis Street, 60 feet wide, Livernois Avenue, 120 feet wide, and Military Avenue, 66 feet wide, described as follows: the South 18 feet of Lot 15 in the "Plat of Hesselbacher's Subdivision of Lots 58 and 59 of The Estate of Stephen Livernois P.C. 574 T.2S., R.11E., Springwells (Now Detroit)", as recorded in Liber 8 Page 10, Plats, Wayne County Records;

Provided, The petitioner (Architectural Design and Construction/Fouad Hannawi, at 13530 Michigan Avenue, Suite 210, Dearborn, MI 48126) builds the new public alley at no expense to the City of Detroit. The alley shall be built by private contract within property to be owned or controlled by the petitioner under City Engineering Division — DPW inspection and permits. When the alley is completed to city specifications, the petitioner shall deed the property to the city; and further

Provided, That the Detroit City Council approves the request to declare the city's "intent" to accept the executible warranty deed and alley for public purposes; and further

Provided, Said property complies with the requirements of Detroit codes and ordinances, also known as the "Environmental Review Guidelines" and provided the Law Department concludes that the grantor possess the appropriate rights, title, and interest in properties to convey said land to the city for alley purposes, and further

Provided, The dedication of the 18 feet wide strip of land in the area of Michigan Avenue, Livernois Avenue and Military Avenue must be completed before closing the alley to avoid the creation of a dead-end alley, 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; and be it further

Resolved, The Planning and Development Department is hereby authorized to issue a quit-claim deed to transfer the following vacated public rights-of-ways for the fair market value and/or other valuable consideration:

Land in the City of Detroit, County of Wayne, State of Michigan; All that part of Lots 4 and 5 of Plat of People's Subdivision of Lot 62 and Lot 61 except

120 feet South of Michigan Avenue, of Subdivision of Part of P.C. 574 Estate of Stephen Livernois, City of Detroit, Wayne County, as recorded in Liber 9 Page 7 of Plats of Wayne County Records also part of the North and South vacated 15 foot public alley in the rear of said Lot 4 also a part of Lot 60 of Plat of Subdivision of the Estate of Stephen Livernois, being part of P.C. 574 as recorded in Liber 180 Page 343, 344 and 345 of Deeds of Wayne County Records more particularly described as Beginning at a point in the Easterly line of Lot 4 of People's Subdivision heretofore mentioned, said point also being in the Westerly line of Military Avenue, 66 feet wide, as now established and being distant North 25 degrees 36 minutes 15 seconds West 347.31 feet from the Southeastly corner of lot 15 of last mentioned Subdivision; thence along the said Westerly line of Military Avenue 66 feet wide, as now established South 26 Degrees 36 Minutes 15 Seconds East 22.56 feet to a point in the Easterly line of said Lot 5 thence along a line North 89 Degrees 01 Minutes 15 Seconds West 216.56 feet to a point in the Westerly line of Lot 60 of the Plat of the Subdivision of the Estate of Stephen Livernois heretofore mentioned; thence along the Westerly line of said Lot 60 North 26 Degrees 36 Minutes 15 Seconds West 22.56 feet to a point; thence along a line South 89 Degrees 01 Minutes 15 Seconds West 216.56 feet to the place of beginning (Deeded to the City of Detroit on December 21, 1937, J.C.C. Pgs. 2626-9);

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, and President Mahaffey — 8.

Nays — None.

#### **Department of Public Works City Engineering Division**

November 22, 2002

Honorable City Council:

Re: Petition No. 792 — Detroit International Bridge Company, for closure of the NB Fisher Freeway Service Drive, between, W. Grand Boulevard and W. Lafayette, as part of the Ambassador Bridge Border Station Services Project.

Petition No. 792 of "Detroit International Bridge Company" (DIBC), is requesting the Temporary Closing of the North Bound Fisher Freeway Service Drive, between, West Grand Boulevard and West Lafayette Avenue, as part of the Ambassador Bridge Border Station Services Project for a period of five (5) years.

The request was approved by the Planning and Development Department and the Traffic Engineering Division —

DPW with certain restrictions. The City Engineering Division — DPW recommends that the North bound Fisher Service Drive be closed on a temporary basis for five (5) years, in order for the City of Detroit and Michigan Department of Transportation (MDOT) to have the ability to recover the right-of-way in case it is determined that, during the next five years the closing conflicts or impacts other Projects proposed for this area. However, it is the understanding of The City Engineering Division — DPW (CED) and the Traffic Engineering Division — DPW that upon completion of the MDOT Gateway Project the Service Drive will become the entrance to the Ambassador Bridge. At that time CED will then recommend the permanent closing. The “DIBC” must commit to MDOT that the “DIBC” will provide permanent local access to the Bridge using the East Service Drive, between W. Grand Boulevard and W. Lafayette.

The Traffic Engineering Division — DPW (TED) reports that the petitioner (the DIBC) will be responsible for the installation and maintenance of all signs associated with the closure and detour routes during the approved duration of Temporary Closure. Also, the petitioner must contact the Operations Section of TED and MDOT for deploying proper signage and barricades prior to actual closure.

The Detroit Water and Sewerage Department, the Public Lighting Department, Ameritech/Michigan Bell Telephone Company, Comcast Cablevision, Detroit Edison Company and the Fire Department (all) will require unimpeded access to service the public and/or their existing facilities. Any fence and gate installation must provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles.

All other 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.

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

Respectfully submitted,  
 SUNDAY JAIYESIMI  
 City Engineer  
 City Engineering Division — DPW  
 By Council Member S. Cockrel:

Whereas, The “Detroit International Bridge Company” (DIBC), on behalf of the Ambassador Bridge request Detroit City Council for the permanent closure of the North Bound Fisher Freeway Service Drive between West Grand Boulevard and West Lafayette, as part of the Ambassador Bridge Border Station Services Project; new entrance to the

Ambassador Bridge; and

Whereas, Said closure has been recommended and approved by the Gateway Project Steering Committee; and

Whereas, The City Engineering Division — DPW and the Traffic Engineering Division — DPW recommends that the North bound Fisher Service Drive be closed on a temporary basis for five (5) years, in order for the City of Detroit and Michigan Department of Transportation (MDOT) to have the ability to recover the rights-of-way in case it is determined that, during the next five years the closing conflicts or impacts other Projects proposed for this area; Therefore Be It

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to The “Detroit International Bridge Company” (DIBC), on behalf of the Ambassador Bridge, to close the North Bound Fisher Freeway Service Drive, between West Grand Boulevard, 150 feet wide, and West Lafayette Avenue, 60 feet wide, (previously vacated by City Council) as part of the Ambassador Bridge Border Station Services Project; on a temporary basis for Five (5) years to expire on December 1, 2007;

Provided, The “Detroit International Bridge Company” (DIBC) commits in writing to The Michigan Department of Transportation that the “DIBC” will provide permanent local access to the Bridge using the East Service Drive, between W. Grand Boulevard and W. Lafayette; and

Provided, That the “Detroit International Bridge Company” installs and maintains all signs associated with the closure and detour routes during the approved duration of Temporary Closure; and

Provided, That the petitioner shall file with the Finance Department 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 permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; 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, No buildings or other structures of any nature whatsoever (except necessary line fence), shall be construct-

ed on or over the street. 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 street. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public street. 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, All of the petitioner's public property fence and gate installations shall be subject to the review and approval of the City Engineering Division — DPW (if necessary, in conjunction with the Traffic Engineering Division — DPW, the Michigan Department of Transportation and the Planning and Development Department); and

Provided, This resolution does not permit the storage of materials, displays of merchandise, or signs within the temporarily closed public street. Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited, unless approved; 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, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, The petitioner shall pay all Public Lighting Department expenses to reinstall street light(s), if the street is reopened for public use; and

Provided, This resolution is revocable at the will, whim or caprice of the Detroit City Council without causes. 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.  
 Adopted as follows:  
 Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, and President Mahaffey — 8.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**

November 22, 2002

Honorable City Council:  
 Re: Petition No. 280 — Chapel Hill Citizens District Council/Madison, Madison International requests, for conversion to easement of the public alley in the area of Riviera, Yosemite and Joy.  
 Petition No. 280 of "Chapel Hill Citizen District Council/Madison, Madison International" requests the conversion of the north-south public alley, 20 feet wide, in the block bounded by Yosemite Avenue, 50 feet wide, Joy Road, 66 feet wide and Riviera Avenue, 60 feet wide into a private

easement for utilities.  
 The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.  
 All City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.  
 I am recommending adoption of the attached resolution.  
 Respectfully submitted,  
 SUNDAY JAIYESIMI  
 City Engineer  
 City Engineering Division — DPW  
 By Council Member S. Cockrel:  
 Resolved, All that part of the north-south public alley, 20 feet wide, in the block bounded by Yosemite Avenue, 50 feet wide, Joy Road, 66 feet wide and