

City Engineering Department

February 20, 1989

Honorable City Council:

Re: Petition No. 1952 Nelson Iron Works, et al Temporary Street Closing portion of Benham between Ackley and the Railroad.

Petition No. 1952 of "Nelson Iron Works, et al" requests the temporary closing of portion of Benham Avenue, 50 feet wide between (the west line of) Ackley Avenue (50 feet wide) and the Detroit Terminal Railroad right-of-way (90 feet wide).

The request was approved by the Department of Transportation and the Community and Economic Development Department with certain restrictions.

The Water and Sewerage Department will require unimpeded access to existing water main and sewer facilities. Any fence and gate installation must provide 15 feet horizontal and 13 feet vertical clearance(s) for 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,

CLYDE R. HOPKINS

Director

By Council Member Eberhard:

Resolved, That the City Engineering Department is hereby authorized and directed to issue permits to "Nelson Iron Works, et al" to close Benham Avenue, 50 feet wide, lying between and abutting the west line of Ackley Avenue (50 feet wide) and the west line of the Detroit Terminal Railroad right-of-way (90 feet wide), described as: lying southerly of and abutting the south line of the east 20.00 feet of Lot 19, and Lots 20 to 30;

also lying northerly of and abutting the north line of Lots 51 to 60; also lying northerly of and abutting a line beginning at the northwest corner of Lot 60 extended westerly to the northeast corner of Lot 61 as platted in "H. L. Baker's Subdivision" of Lots 16, 17, 18, 19 and the West Half of 20 of the Subdivision of the North Half of Section 28 and the Northeast Fraction of Section 29, Town 1 South, Range 12 East, Hamtramck Township, City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 55, Plats, Wayne County Records; on a temporary basis to expire on March 1, 1994;

Provided, 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 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 petitioner has recorded a certified copy of this resolution with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs; 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 building or other structure (except necessary line fence), shall be constructed on or over the street. The petitioner shall observe the rules and regulations of the City Engineering Department. 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 insure unimpeded 24-hour-per-day access to the City and utility companies; 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 Department by the petitioner at the petitioner's expense; and

Provided, The petitioner's fence and gate installation shall provide 15 feet horizontal and 13 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, This resolution is revocable at the will, whim or caprice of the 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 City Council.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

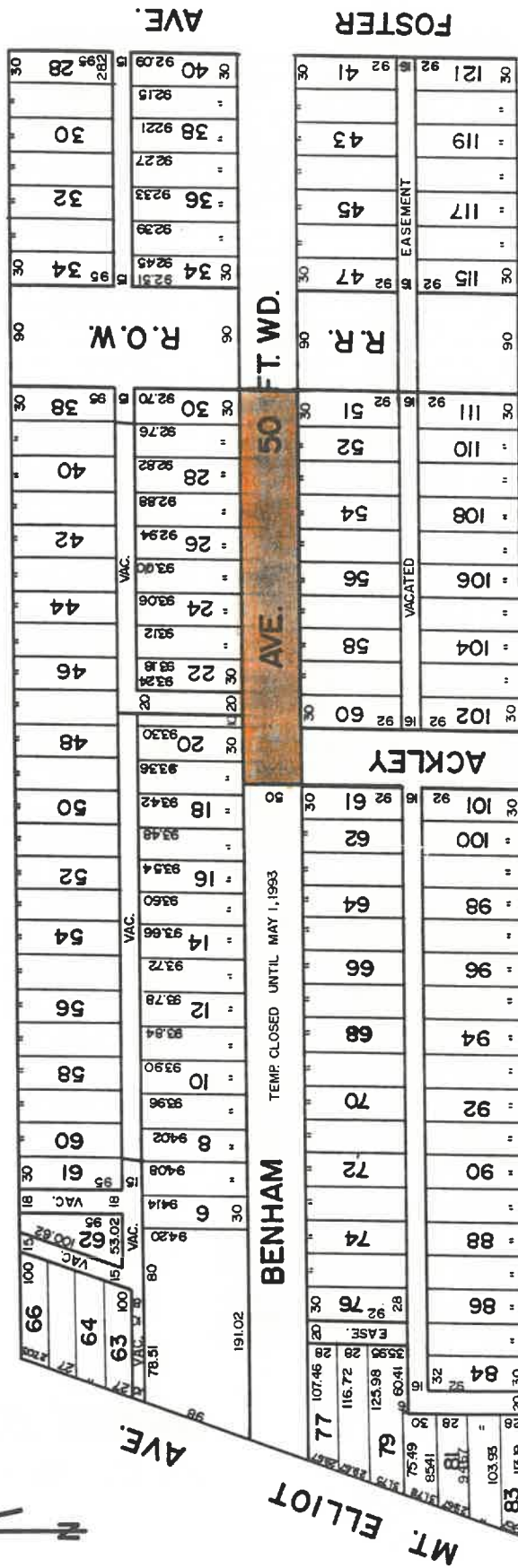
Nays — None.

MARCH 8, 1989**J.C.C. PGS. 564-65****SEE ALSO****APRIL 20, 1988****J.C.C. PGS. 927-28**

PETITION NO. 1952
NELSON IRON WORKS
6350 BENHAM
% DIANE GRABOWSKI
PHONE: 929-5355



CYMBAL AVE.



VARNEY AVE.

TEMP CLOSED UNTIL 3-1-94

BLK. 1 BENHAM MFG. CO. SUBN.
H.L. BAKERS SUBN

CARTO. NO. 49-C

DESIGNED BY JAMES FOSTER		APPROVED		CITY OF DETROIT		REQUESTED TEMPORARY CLOSING OF BENHAM AVE. BTWN. ACKLEY & R.R. R.O.W.	
DRAWN BY		TRACED BY		BOOK NO.		PAGE NO.	
DATE		DATE		SCALE		DATE 5/25/88	
DESCRIPTION		CHK. APR.		FORM NO. D-146.5H-A		PRG. NO. X-1952	
REVISIONS		CHECKED BY					