

City Engineering Department

February 21, 1989

Honorable City Council:

Re: Petition No. 2296, H & M Contracting Company for Temporary Alley Closing — east-west public alley in the block bounded by Audrey, Oxley, Norfolk, and W. Eight Mile.

Petition No. 2296 of "H & M Contracting Company" requests the temporary closing of the east-west public alley, 20 feet wide, in the block bounded by Audrey, Oxley, and Norfolk Avenues, and W. Eight Mile Road.

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

The Water and Sewerage Department will require unimpeded access to existing sewers. 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 Hood:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "H & M Contracting Company" to close the east-west public alley, 20 feet wide, in the block bounded by Audrey, Oxley, and Norfolk Avenues, and W. Eight Mile Road lying southerly of and abutting the south line of Lots 106 to 118; also lying northerly of and abutting the north line of Lot 105; also lying northerly of and abutting the north line of the previously vacated north-south public alley (18 feet wide; December 9, 1952 — J.C.C. page 2718); also lying northerly of and abutting the north line of Lot 119 of "Division Heights Subdivision" being part of the Northwest Quarter of Section 6, Town 1 South, Range 11 East, Greenfield Township, City of Detroit, Wayne County Michigan as recorded in Liber 50, Page 36, Plats, Wayne County Records; on a temporary basis to expire on April 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 alley 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 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, No building or other structure (except necessary line fence), shall be constructed on or over the alley. 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 alley. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. 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. 566-67

PETITION NO. 2296
H&M CONTRACTING CO.
% NED HINDO
PHONE: 861-7161



EIGHT MILE

AUDREY

100	106	20	25
108	110	112	114
116	118	100	100
36.33	126	35.66	36.56
105	119	34.89	35
103	121	35	35
101	123	35	35
99	125	35	35
97	127	35	35
95	129	35	35
93	131	35	35
92	132	35	35

OXLEY

NORFOLK



**TEMP. CLOSED
UNTIL 4-1-94**

CARTO NO. 87C

DIVISION HEIGHTS SUB'N.

DESIGNED BY:

APPVD. BY:

DRAWN BY:

V. MARSHALL

CHECKED BY:

APPVD. BY:

CLOSED ON A TEMP. BASIS FOR
(5) YEARS, THE EAST / WEST
BTWN. E. EIGHT MILE RD, AUDREY
OXLEY & NORFOLK

CITY ENGINEER'S OFFICE

10-10-88