

City Engineering Department

May 2, 1988

Honorable City Council:

Re: Petition No. 1331. Bayard Kurth, et al. Temporary Alley Closing north-south public alley first west of Lawndale between Fulton and Witt.

Petition No. 1331 of Bayard Kurth, et al requests the temporary closing of the north-south public alley, 15 feet wide, first west of Lawndale Avenue between Fulton Avenue and Witt Street.

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

All 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 Kelley:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Bayard Kurth, et al" to close the north-south public alley, 15 feet wide, first west of Lawndale Avenue between Fulton Avenue and Witt Street lying westerly of and abutting the west line of Lots 1 to 7; also lying easterly of and abutting the east line of Lot 45, the public alley (15 feet wide; previously vacated on August 19, 1919 — J.C.C. page 1289), and Lot 46 of "Handloser's Subdivision" of Lot A and Blocks 3-4-11 and East 203.11 feet of Blocks 2-5-6-10-12 and East 247.84 feet of Block 16, of the East 3.5 acres of Lot 4 and Lots 5 to 10 inclusive of William B. Wesson's Subdivision of Lot 6 Shipyard Tract, Springwells,

City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 89, Plats, Wayne County Records; on a temporary basis to expire on June 1, 1993;

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, 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, Mahafey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

MAY 11, 1988

J.C.C. PGS. 1154-55

WITT ST.

LAWDALE AVE.

FULTON
AVE.

KUHNS SUB'N
 HOFFMAN'S SUB'N
 HANDLOSER SUB'N

CARTO. NO. 2-E
SCALE: 1"=100'

CITY OF DETROIT

REQUEST FOR TEMP. CLOSING
THE N/S ALLEY, 15 FT. WD., IN THE
BLK. BND. BY ELSMERE, LAWN-
DALE, FULTON & WITT.

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