

City Engineering Department
May 26, 1988.

Honorable City Council:

Re: Petition No. 2100. R. E. Dailey & Company. Temporary Street Closing. Shelby between Jefferson and Larned.

Petition No. 2100 of "R. E. Dailey & Company" requests the temporary closing of Shelby Street, 60 feet wide, between Jefferson and Larned Street.

The temporary public street closing is necessary for approximately 1 year to facilitate the construction of the John Madden Building (150 West Jefferson).

R. E. Dailey has reached a satisfactory agreement with the Hotel Pontchartrain. The Pontchartrain has submitted a letter agreeing to the temporary public street closing.

The City Planning Commission submitted a favorable report to the City Engineering Department (dated November 17, 1987) recommending the temporary public street closing.

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

The Water and Sewerage Department will require unimpeded access to an existing water main. Any fence and gate installation must provide 13 feet horizontal and 15 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.

Also, a waiver of reconsideration is respectfully requested to proceed with a major construction project in Detroit.

Respectfully submitted,

E. M. KENNEDY,
for CLYDE R. HOPKINS,
Director

By Council Member Eberhard:

Resolved, The City Engineering De-

partment is hereby authorized and directed to issue permits to "R. E. Dailey and Company" to close Shelby Street, 60 feet wide, lying between and abutting the south line of Larned Street (60 feet wide) and the north line of Jefferson Avenue (210 feet wide) of Section 2 of the Governor and Judges Plan, City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 549, Deeds, Wayne County Records; on a temporary basis to expire on July 1, 1989;

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 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, The petitioner's construc-

tion or occupancy of public rights-of-way shall not interfere with the Hotel Pontchartrain's (Two Washington Boulevard, Detroit, Michigan 48226) ingress or egress to their loading dock and other facilities adjoining said temporarily closed Shelby Street; 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 one (1) 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.

*RECONSIDERATION (No. 11), per Motions before Adjournment.

JUNE 1, 1988
J.C.C. PGS. 1407-08

WASHINGTON BLVD.

LARNED

TEMP. STREET CLOSING.
FOR 1 YEAR UNTIL 7-1-89

[illegible]

W. JEFFERSON

PET. NO. 2100
CARTO NO. 28-E

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