

18

**City Engineering Department**  
March 26, 1990

Honorable City Council:

Re: Petition No. 2970 Color Perfect and Gannett Corporation Temporary Alley Closing a portion of north-south public alley in the block bounded by Woodward, John R., Horton, and Custer.

Petition No. 2970 of "Color Perfect and Gannett Corporation" requests the temporary closing of a portion of the north-south public alley, 20 feet wide, in the block bounded by Woodward Avenue, John R. Street, Horton and Custer Avenues.

The Community and Economic Development Department (C&EDD) held a meeting with the petitioners and one involved resident (Mr. Pebbles, 79 Horton Avenue) as requested by City Council. C&EDD submitted a report (dated November 14, 1989) to Council, and the matter was brought before the Committee of the Whole on November 27, 1989.

The request was approved by the Community and Economic Development Department with certain restrictions. The petition was referred to the City Engineering Department for investigation (utility clearances) and report. This is our report:

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 Eberhard:

The City Engineering Department is hereby authorized and directed to issue permits to "Color Perfect and Gannett Corporation" to close a portion of the north-south public alley, 20 feet wide, in the block bounded by Woodward Avenue, John R. Street, Horton and Custer Avenues lying westerly of the abutting the west line of Lot 72; also lying easterly of and abutting the east line of Lots 73, 74, and the north 35.00 feet of Lot 75 as platted in "Hibbard Baker's Subdivision" of Lot No. 2 of the Subdivision of Quarter Section 57, Ten Thousand Acre Tract, Hamtramck (Township), City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 90, Plats, Wayne County Records; on a temporary basis to expire on May 1, 1995;

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 buildings or other structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (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 Butler, Cleveland, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

APRIL 4, 1990  
J.C.C. PGS. 739-40

PETITION NO. 2970  
 COLOR PERFECT / GANNETT CORP.  
 7450 WOODWARD / 88 CUSTER  
 % MR. RASMUSSEN / MR. DENNIS  
 PHONE: (313) 872-5115

# CUSTER

WOODWARD

45	73	200	20	30	"	"	"	"	"	"	"	"	30	31.8
"			72	70	68	66	64	62	61					
"	75		125										125	
"			20										20	
"	77		125	79	81	83	85	87	89	90		125		
45	78	200	20	30	"	"	"	"	"	"	"	"	30	31.8

JOHN R

# HORTON



REQUESTED AREA FOR TEMP. CLOSING  
 FOR 5 YEARS UNTIL 5-1-95

CARTO' NO. 31 A

HIBBARD'S BAKERS SUB'N.

SCALE: 1"=100'

B						REQUESTED AREA FOR TEMP. CLOSING IN THE BLK. BND. BY WOODWARD , JOHN R., HORTON & CUSTER	CITY OF DETROIT CITY ENGINEERING DEPARTMENT  JOB NO. 01-01 DRWG. NO. X-2970 DATE DEC. 4, 89
A							
DESCRIPTION		DRWN	CHKD	APPD	DATE		
REVISIONS							
DRAWN BY V. MARSHALL		APPROVED					
TRACED BY		APPROVED					
CHECKED		APPROVED					