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City Engineering Department
June 1, 1990

Honorable City Council:
Re: Petition No. 2991 John J. Guralowski, et al. Temporary Street Closing Portion of Kirkwood between Grandville and Piedmont.
Petition No. 2991 of "John J. Guralowski, et al" requests the temporary closing of a portion of Kirkwood Avenue, 60 and 36.30 feet wide, between Grandville and Piedmont Avenues.

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 (DWSD) will require unimpeded access to existing DWSD facilities. Any fence and gate installation must provide 15 feet horizontal and 13 feet vertical clearances 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 Ravitz:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "John J. Guralowski, et al" to close a portion of Kirkwood Avenue, 60 and 36.30 feet wide, between Grandville and Piedmont Avenues (except the southerly 7.00 feet of said Kirkwood Avenue); also lying southerly of and abutting the south line of Lot 29, the vacated north-south public alley (18 feet wide; having been previously vacated by Council on January 10, 1961 — J.C.C. pg. 8), and Lot 31 of the "Plat of Florence Park Subdivision of Part of Southwest Fractional Quarter of Fractional Section 11, Town 2 South, Range 10 East, Dearborn Township", City of Detroit, Wayne County, Michigan as recorded in Liber 48, Page 82, Plats, Wayne County Records; on a temporary basis to expire on July 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 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 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 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 clearances for utility maintenance vehicles; and

Provided, The petitioners shall pay all expenses to clear, grade, fence and gate the (unimproved) temporarily closed public street to conform to the specifications of the City Engineering Department and the Department of Transportation; 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.

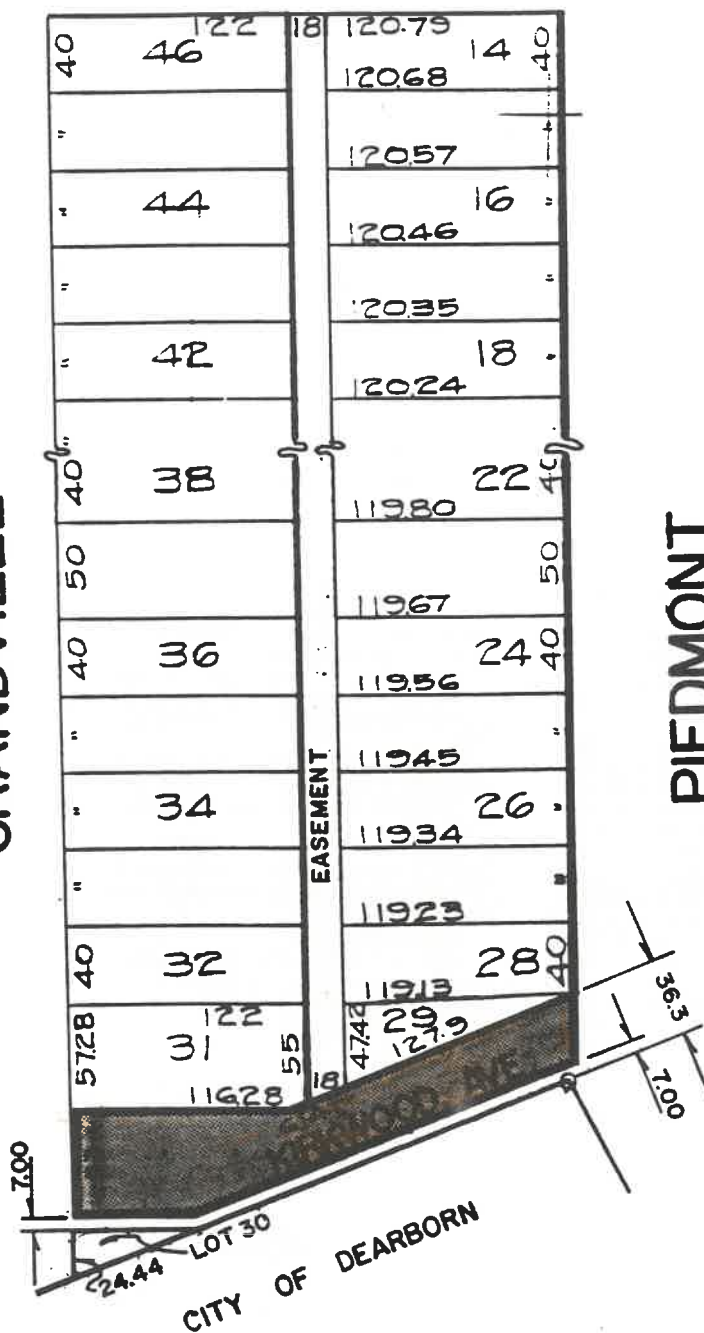
FEB. 27, 1991
JCC. Pgs. 413-14

DAYTON



GRANDVILLE

PIEDMONT



PET. NO. 2991
CARTO. NO. 108 - F