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City Engineering Department

July 17, 1991

Honorable City Council:

Re: Petition No. 947, Young Men's Christian Association of Metropolitan Detroit (YMCA), Temporary Alley Closings Extended, Remaining public alleys in the block bounded by Witherell, John R., Adams, and Elizabeth.

Petition No. 947 of the "Young Men's Christian Association of Metropolitan Detroit (YMCA)" requests an extension of the temporary closing of the remaining east-west and north-south public alleys, (both) 20 feet wide, in the block bounded by Witherell and John R. Streets, Adams Avenue, and Elizabeth Street.

The first petition (#4603) to temporarily close the referenced public alleys was granted by Council on November 28, 1967 (J.C.C. page 2779). Other extensions were approved by Council in 1971, 1974, and 1985. The last renewal (Petition No. 4490) expired on December 13, 1990.

The petition was forwarded to the City Engineering Department (on June 28, 1991 by the Community and Economic Development Department) for preparation of a renewal temporary alley closing(s) resolution, extending 5 more years; subject to the customary provisions governing temporary public alley closing(s).

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:

Whereas, The following petitions to temporarily close the remaining public alleys in the block bounded by Witherell, John R., Adams, and Elizabeth have been previously granted by City Council for the "Young Men's Christian Association of Metropolitan Detroit (YMCA)":

(1) Petition No. 4603 on November 28, 1967 — J.C.C. pg. 2779; and

(2) Petition No. 1937 on February 2, 1971 — J.C.C. pg. 212; and

(3) Petition No. 165 on April 10, 1974 — J.C.C. pp. 819-20; and

(4) Petition No. 4490 on December 13, 1985 — J.C.C. pp. 2819-20; and

Whereas, The last (temporary alley closing) renewal expired on December 13, 1990, and the petitioner has requested a further extension (Petition No. 947 as referred to the Community and Economic Development Department on January 23, 1991 — J.C.C. pg. 164); and

Whereas, The petitioner has complied with the terms, conditions, and restrictions of other previously granted Council resolutions; therefore be it

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to the "Young Men's Christian Association of Metropolitan Detroit (YMCA)" to close the remaining east-west and north-south public alleys, (both) 20 feet wide, in the block bounded by Witherell and John R. Streets, Adams Avenue and Elizabeth Street being the easterly 20.00 feet of Lot 2 of "F.J.B. Crane's Subdivision of Lots 32, 33 and 34 William's Subdivision of Park Lots", City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 348, Deeds, Wayne County Records (said part of lot having been deeded to the City of Detroit for public alley purposes on December 18, 1906 — J.C.C. pg. 1430); also lying southerly of and abutting the south line of the easterly 20.00 feet of Lot 2, and Lots 3 and 4 of "F.J.B. Crane's Subdivision of Lots 32, 33 and 34 William's Subdivision of Park Lots", City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 348, Deeds, Wayne County Records; also lying southerly of and abutting the south line of Lots 28 to 31; also lying northerly of and abutting the north line of Lots 14 to 19 of the "Plat of William's Park Lots 1, 2, 3 and 4 as made and adopted by the Commissioners for the Partition of the Estate of John R. Williams referred to in their partition in their report duly filed in the City of Detroit, 1857", City of Detroit, Wayne County, Michigan as recorded in the Book of Plats (Liber 1), Page 39 (and 65), Wayne County Records; on a temporary basis to expire on September 1, 1996;

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 closings; and

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and

Provided, The property owned by the petitioner and adjoining the temporary public alley closings shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the alleys; and

Provided, No building or other structure (except necessary line fence), shall be constructed on or over the alleys. 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 alleys. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alleys. 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; and further

Provided, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz and President Mahaffey — 9.

Nays — None.

July 24, 1991
J.C.C. Pgs. 1640-41



ELIZABETH

TEMP. CLOSED UNTIL 9-1-96

WITHERELL

40	40	30	20	30	30	40			40
36	35	F.I.B.	CRANE'S	3	4	31		29	28
90	90	90	90	90	90	90			90
20	VACATED	20	20	20	20	20	20	20	20
100	PARK LOTS 1-2-3								100
11		13	1	15		17	3		19
40									40

JOHN R.

ADAMS