

## City Engineering Department

November 17, 1993

Honorable City Council:

Re: Petition No. 2443, Ferriss Marine Contracting, Inc. et al, Temporary Street Closing part of S. Cary between Barnes and the River Rouge.

Petition No. 2443 of "Ferriss Marine Contracting, Inc." request the temporary closing of S. Cary Street, 50 feet wide,

between the Rouge River and the southerly line extended westerly of Barnes Street.

The request was approved by the Department of Public Works — Traffic Engineering Division and the Community and Economic Development Department with certain restrictions.

The Detroit Edison Company, and the Water and Sewerage Department (both) will require unimpeded access to service their existing facilities. Any fence and gate installation must provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles.

All other city departments and privately owned utility companies have reported no objections to the closing, 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:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Ferriss Marine Contracting, Inc." to close all that part of S. Cary Street, 50 feet wide, between the Rouge River and the southerly line extended westerly of Barnes Street (40 feet wide; as deeded for a public highway by Caroline & Elisa Chase on December 1, 1865 to the Village of Delray and described on a plat across Lots 55 thru 60 of the "Delray Subdivision of part of Lot 7 on Private Claim No. 45, Springwells Township, Town 2 South, Range 11 East," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 80, Plats, Wayne County Records); on a temporary basis to expire on January 1, 1999;

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 or unfaithful 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 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 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, All of the petitioner's public property fence and gate installation(s) shall be subject to the review and approval of the City Engineering Department (if necessary, in conjunction with the Department of Public Works — Traffic Engineering Division, Planning Department, and the Community and Economic Development Department); 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, This resolution does not permit the storage of materials, display of merchandise, or advertising signs within the temporarily closed public street. Further, the placement of materials, merchandise, or advertising signs on any adjacent berm area is prohibited. It is the intent of this provision to prohibit private advertising within public rights-of-way, but not signs conforming to the current Michigan Manual of Uniform Traffic Control Devices; 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; 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:

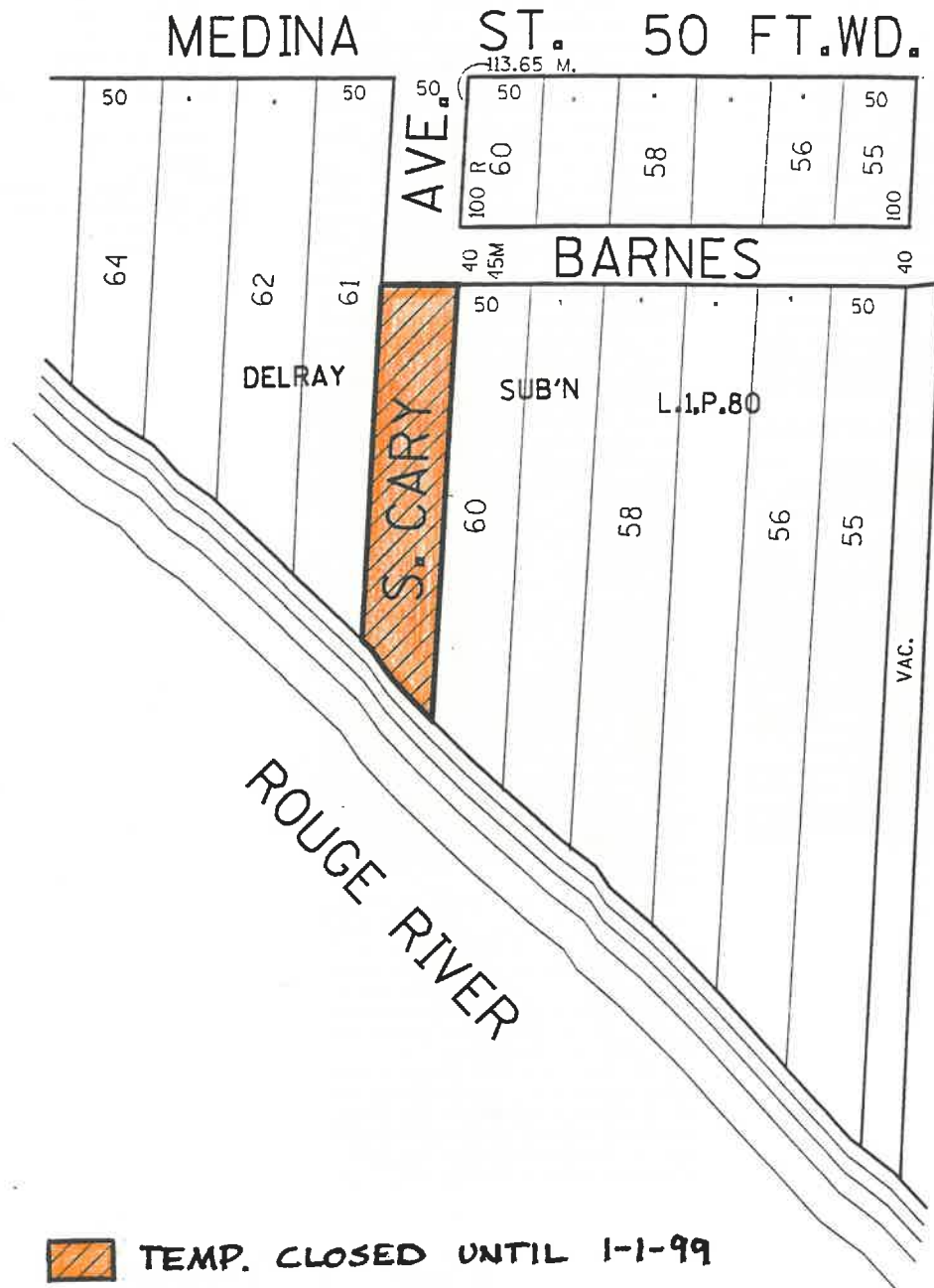
Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

Nov. 24, 1993

J.C.C. Pgs. 2408-10

PETITION NO. 2443  
FERRISS MARINE CONTRACTING, INC.  
C/O HELM, MILLER & MILLER-BETH ANNE MILLER  
PHONE: (313) 962-8710



DELRAY SUB'N.

CARTO NO. 1F

(FOR OFFICE USE ONLY)

B						FERRISS MARINE CONTRACTING, INC.		CITY OF DETROIT	
A						REQUESTING A TEMPORARY CLOSING OF		CITY ENGINEERING DEPARTMENT	
DESCRIPTION		DRWN	CHKD	APPD	DATE	A PORTION OF S. CARY A PUBLIC STREET		SURVEY BUREAU	
DRAWN BY		CHECKED						JOB NO. 01-01	
V. MARSHALL								DRWG. NO. X2443	
DATE		APPROVED							
APRIL 12, 1993									