

City Engineering Department

August 20, 1993

Honorable City Council:

Re: Petition No. 3164, Dy-Dee Wash, Inc. Temporary Alley Closing Extended, an easterly part of the east-west public alley north of Fullerton between Roselawn and Greenlawn.

Petition No. 3164 of "Dy-Dee Wash, Inc." requests an extension of the temporary closing of an easterly part of the east-west public alley, 20 feet wide, north of Fullerton Avenue between Roselawn and Greenlawn Avenues.

The last petition (#1899) to temporarily close the referenced public alley was granted by Council on May 4, 1988 (J.C.C. pages 1079-80). This petition expired on April 1, 1993.

The petition was referred to the City Engineering Department by the Community and Economic Development Department for preparation of a renewal temporary alley closing resolution, extending 5 more years; subject to the customary provisions governing a temporary public alley closing.

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:

Whereas, The following petitions to temporarily close an easterly part of the east-west public alley, 20 feet wide, west of Greenlawn Avenue and north of Fullerton Avenue have been previously granted by City Council:

Petition No. 1603 on April 9, 1980 — J.C.C. pgs. 1033-34;

Petition No. 1899 on May 4, 1988 — J.C.C. pgs. 1079-80;

Whereas, the last temporary closing renewal expired on April 1, 1993 and the petitioner has requested a further extension (Petition No. 3164; referred to the City Engineering Department by the Community and Economic Development Department); 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 "Dy-Dee Wash, Inc." to close an easterly part of the east-west public alley, 20 feet wide, north of Fullerton Avenue between Roselawn and Greenlawn Avenues lying southerly of and abutting the south line of Lot 530; also lying northerly of and abutting the north line of Lots 384 thru 387 of "James S. Holden Company's Cloverlawn Subdivision No. 1, being a subdivision of part of Fractional Section 28, Town 1 South, Range 11 East (Greenfield Township)", City of Detroit, Wayne County, Michigan as recorded in Liber 47, Page 12, Plats, Wayne County Records; on a temporary basis to expire on October 1, 1998;

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 alley 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 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 building or other structure (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, All of the petitioner's public property fence and gate installations 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 installations shall provide 13 feet horizontal and 15 feet vertical clearances for utility maintenance vehicles; and

PROVIDED, This resolution does not permit the storage of materials, display of merchandise, or signs within the temporarily closed public alley. Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited; 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, Eberhard, Kelley, Ravitz, and President Pro Tem Hood — 5.

Nays — None.

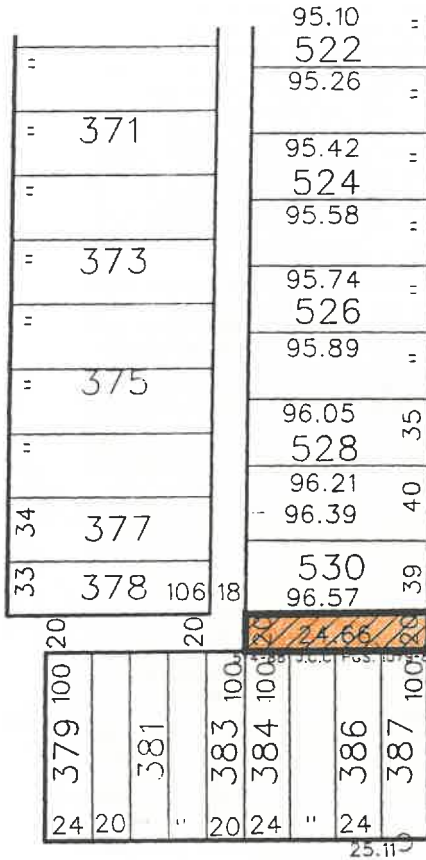
SEPT. 15, 1993
J.C.C. Pgs. 1788-90

PETITION NO.3164
 DY-DEE WASH ,INC.
 C/O HELM,MILLER &MILLER
 -BETH ANNE MILLER
 PHONE (313) 962-8710



ROSELAWN

GREENLAWN



FULLERTON AVE.



TEMP. CLOSED UNTIL 10-1-98

CARTO NO. 8B
 SCALE:1"=100'

(FOR OFFICE USE ONLY)

A										DY-DEE WASH ,INC. REQUESTED AREA FOR A CONVERSION TO EASEMENT		CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
DESCRIPTION		DRWN	CHKD	APPD	DATE							JOB NO. 01-01	
DRAWN BY V.MARSHALL		CHECKED										DRWG.NO. X3164.DGN	
DATE JULY 29,1993		APPROVED											