

## City Engineering Department

September 2, 1993

Honorable City Council:

Re: Petition No. 3379, Tag Motor Sales, Temporary Alley Closing, Extended northerly part of the north-south public alley in the block bounded by Gratiot, Roseberry, Wilfred and Flanders.

Petition No. 3379 of "Tag Motor Sales" requests an extension of the northerly part of the north-south public alley, 18 feet wide, in the block bounded by Gratiot, Roseberry, Wilfred, and Flanders Avenues.

The last petition (#1973) to temporarily close the referenced public alley was granted by Council on June 8, 1988 (J.C.C. page 1465). This petition expired on May 30, 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 Ravitz:

Whereas, The following petition(s) to temporarily close a northerly part of the north-south public alley, 18 feet wide, in the block bounded by Gratiot, Roseberry, Wilfred, and Flanders Avenues have been previously granted by City Council:

Petition No. 1559 on July 20, 1983 — J.C.C. pg. 1423;

Petition No. 1973 on June 8, 1988 — J.C.C. pg. 1465;

Whereas, The last temporary closing renewal expired on May 30, 1993 and the petitioner has requested a further extension (Petition No. 3379 as referred to the Community and Economic Development Department and Department of Public Works on June 9, 1993 — J.C.C. pg. 1140); and

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

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Tag Motor Sales" to close a northerly part of the north-south public alley, 18 feet wide, in the block bounded by Gratiot, Roseberry, Wilfred, and Flanders Avenues, lying westerly of and abutting the west line of the northerly 25.54 feet of Lot 18, and Lots 19 thru 22; also lying easterly of and abutting the east line of Lot 23 of "Hardy Subdivision of Lots 1-3-4-5 of Subdivision of Lot 5 and part of Lot 4, Subdivision of Joseph Tremble Farm of part of Private Claim 389," City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 87, 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 main-

tenance 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 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 signs within the temporarily closed public street. 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 Cleveland, Eberhard, Everett, Hill, Hood, Ravitz, and President Mahaffey — 7.

Nays — None.

SEPT. 22, 1993  
J.C.C. Pgs. 1848-49

