

City Engineering Department

August 9, 1993

Honorable City Council:

Re: Petition No. 3542, Milton Manufacturing, Inc., et al. Temporary Street Closing, (Extended) Hildale between Omira and Grand Trunk Railroad.

Petition No. 3542 of "Milton Manufacturing, Inc., et al" requests an extension of the temporary closing of Hildale Avenue, 50 feet wide, between Omira Avenue and Grand Trunk Railroad.

The first petition (#1655) to temporarily close the referenced public street was granted by Council on March 30, 1988 (J.C.C. pages 762-63). This petition expired on April 1, 1993.

The petition was referred to the City Engineering Department (on August 5, 1993 by the City Clerk; also to the City Planning Commission) for preparation of a renewal temporary street closing resolution, extending 5 more years; subject to the customary provisions governing a temporary public street 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 Everhard:

Whereas, The following petition to temporarily close Hildale Avenue, 50 feet wide, between Omira Avenue and the Grand Trunk Railroad has been previously granted by City Council:

Petition No. 1655 on March 30, 1988 — J.C.C. pgs. 762-63;

Whereas, The last temporary closing renewal expired on April 1, 1993 and the petitioner has requested a further extension (Petition No. 3542 as referred by the City Clerk to the City Engineering Department and the City Planning Commission in a correspondence dated July 30, 1993); 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 "Milton Manufacturing, Inc." to close Hildale Avenue, 50 feet wide, between Omira Avenue and the Grand Trunk Railroad lying southerly of and abutting the south line of Lots 229 to 235; also lying northerly of and abutting the north line of Lots 236 to 242 as platted in "Kiefer Homes Subdivision of part of the Southeast Quarter of the Northwest Quarter of Section 12 and part of the Northeast Quarter of Southwest Quarter of Section 12, Town 1 South, Range 11 East, lying East of D.G.H. & M.R.R., Greenfield Township," City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 14, 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 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 13 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. 1847-48

GRAND TRUNK R.R. R.O.W.



NORTH



TEMP. CLOSED UNTIL 10-1-98