

City Engineering Department

August 25, 1993

Honorable City Council:

Re: Petition No. 3650. Masonic Temple of Detroit Temporary Alley Closings Extended portions of north-south and east-west public alleys in the block bounded by Second, Cass, Temple and Charlotte.

Petition No. 3650 of the "Masonic Temple" requests an extension of the temporary closing of portions of the north-south and east-west public alleys, (both) 20 feet wide, in the block bounded by Second, Cass, Temple and Charlotte Avenues.

The first petition (#1588) to temporarily close the referenced public alleys was granted by Council on May 4, 1988 (J.C.C. pages 1077-78). This petition expired on June 1, 1993.

The petition was referred to the City Engineering Department (on August 23, 1993 by the City Clerk) for preparation of a renewal temporary alley closings 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 petition to temporarily close portions of the north-south and east-west public alleys, (both) 20 feet wide, in the block bounded by Second, Cass, Temple and Charlotte Avenues has been previously granted by City Council:

Petition No. 1588 on May 4, 1988 — J.C.C. pgs. 1077-78;

Whereas, The previously granted temporary closing expired on June 1, 1993 and the petitioner has requested a further extension (Petition No. 3650 as referred to the City Engineering Department by the City Clerk on August 23, 1993); 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 "Masonic Temple of Detroit" to close portions of the north-south and east-west public alleys, (both) 20 feet wide, in the block bounded by Second, Cass, Temple and Charlotte Avenues on a temporary basis to expire on October 1, 1998; described as follows:

All that part of the north-south public alley, 20 feet wide, in the above mentioned block lying westerly of and abutting the west line of Lots 4 and 5; also lying easterly of and abutting the east line of the south 40.00 feet of Lot 9, the east-west public alley (20 feet wide), and the north 40.00 feet of Lot 24, Block 83, of the Plat of part of the Cass Farm, Blocks 83 and 84, City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 131, Plats, Wayne County Records; also

All that part of the east-west public alley, 20 feet wide, in the above mentioned block lying southerly of and abutting the south line of Lots 9 to 13; also lying northerly of and abutting the north line of Lots 20 to 24, Block 83, of the Plat of part of the Cass Farm, Blocks 83 and 84, City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 131, Plats, Wayne County Records;

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 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, 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 installation shall provide 13 feet horizontal and 13 feet vertical clearances for utility maintenance vehicles; and

PROVIDED, The petitioner shall place gates at each end of the temporary closed portions of public alleys, and open the gates for trash collection 7:00 a.m. to 5:00 p.m., Monday thru Friday; and

PROVIDED, The petitioner shall pay all Public Lighting Department expenses to reinstall alley lights, if the alleys are reopened for public use; and

PROVIDED, This resolution does not permit the storage of materials, display of merchandise, or signs within the tem-

porarily 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. 1787-88.

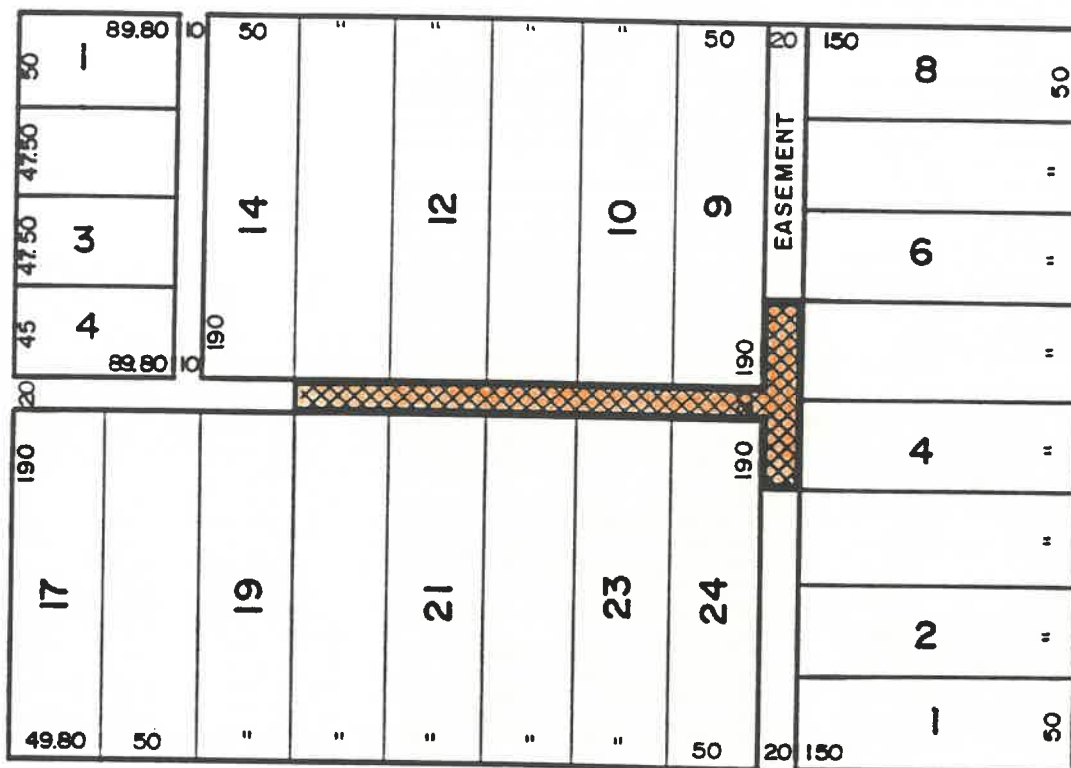
PETITION NO. 3650
450 TEMPLE, INC.
% GILBERT A. RICE
PHONE: 832-7100

NORTH

CHARLOTTE AVE.

SECOND AVE.

CASS AVE.



TEMPLE AVE.



TEMP. CLOSED UNTIL 10-1-98

CASS FARM

CARTO. NO. 29-E

SCALE: 1" = 100'

B				
A				
DESCRIPTION		Drwn	Chkd	Appd
				Date
REVISIONS				
DRAWN BY JAMES FOSTER		APPROVED		
TRACED BY		APPROVED		
CHECKED		APPROVED		
		CITY ENGINEER		

REQUESTED TEMPORARY CLOSING OF A
PORTION OF THE E/W ALLEY, 20 FT. WD.,
AND THE N/S ALLEY, 20 FT. WD., IN THE
BLK. BND. BY SECOND, CASS, TEMPLE, &
CHARLOTTE.

CITY OF DETROIT

City Engineering

Job No. -01-01

Drwg. No. X-3650

Date 2/2/88