

**City Engineering Department**  
May 26, 1994

Honorable City Council:

Re: Petition No. 2526, Zakoor Novelty Company, et al. Temporary Alley

Closing part of the north-south public alley in the block bounded by Cass, Woodward, Selden, and W. Alexandrine.

Petition No. 2526 of "Zakoor Novelty Company, et al" requests the temporary closing of part of the north-south public alley, 15 feet wide, in the block bounded by Cass, Woodward, Selden, and W. Alexandrine Avenues.

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

The Ameritech/Michigan Bell Telephone Company, Barden Cablevision, Detroit Edison Company, and the Water and Sewerage Department (all) will require unimpeded access to service their existing facilities. Any fence and gate installation must provide 13 feet horizontal and 15 feet vertical clearances 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, follows for consideration by your Honorable Body.

Respectfully submitted,

WILLIAM L. TALLEY  
Head Engineer

Jy Council Member Scott:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Michael Zakoor, owner of Zakoor Novelty Company; aka 3909 Woodward, Detroit, Michigan" to close all that part of the north-south public alley, 15 feet wide, in the block bounded by Cass, Woodward, Selden, and W. Alexandrine Avenues lying westerly of and abutting the west line of the south 36.12 feet of Lot 4, and Lots 1 thru 3; also lying easterly of and abutting the east line of Lot 5 of "Fales Subdivision of the North Half of Park Lot 63", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 287, Plats, Wayne County Records; on a temporary basis to expire on July 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 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 view 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 clearances 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 alley. 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 Everett, Hood, Ravitz, Scott, Tinsley-Williams and President Pro Tem Hill — 6.

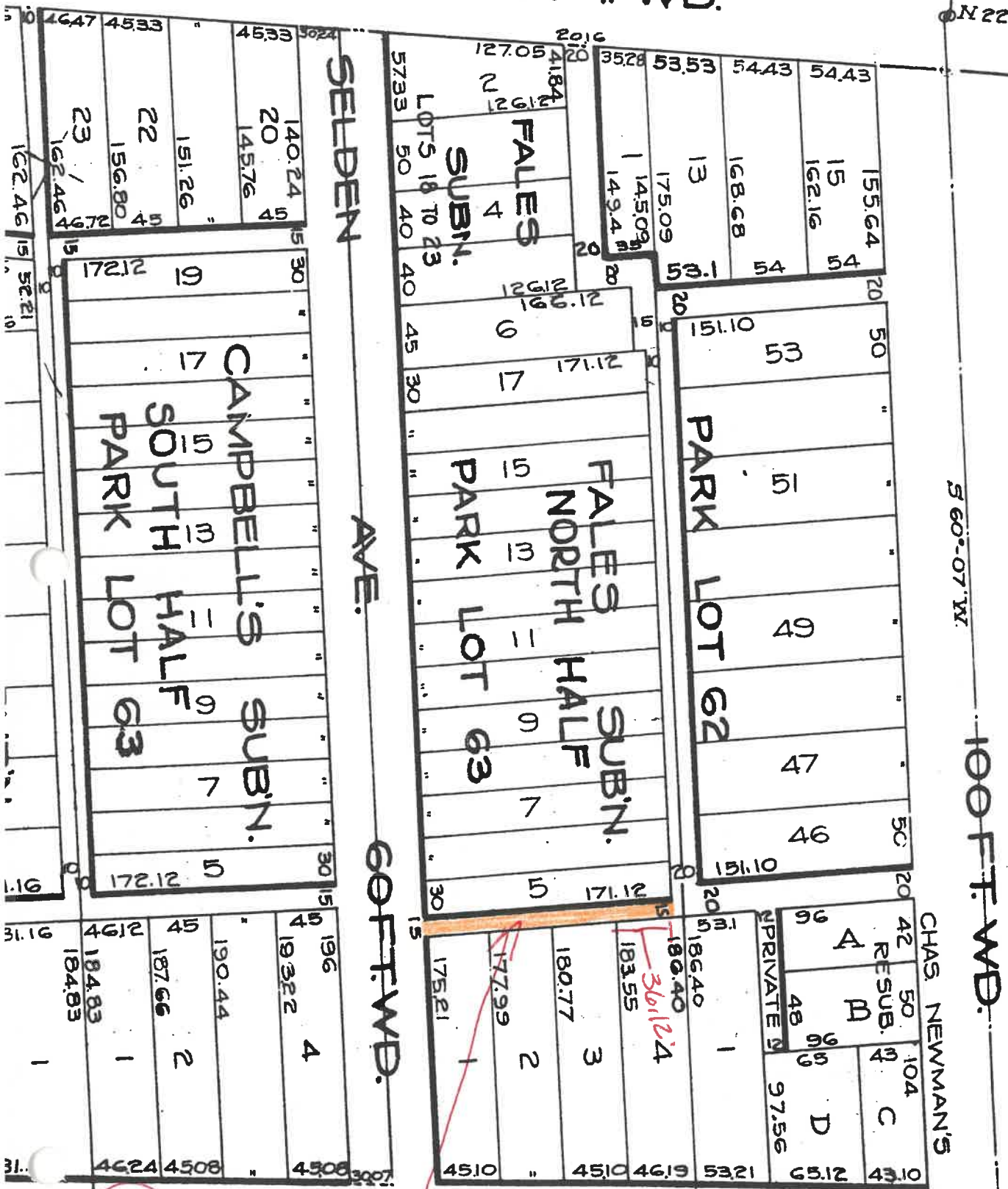
Nays — None.

*JUNE 8, 1994*

*J.C.C. Pgs. 1065-66*

CASS 80 FT. WD.

N 22°-56'-30" W



until 7-1-99

WOODWARD

120 FT. WD.

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