

City Engineering Department  
May 25, 1994

Honorable City Council:  
Re: Petition No. 2819. Allied Signal, Inc.  
Temporary Street Closing, Barnes,  
east of West End.

Petition No. 2819 of "Allied Signal, Inc." requests the temporary closing of Barnes Street, 45 feet wide, east of West End Avenue (25 feet wide).

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

The Detroit Edison Company, and the Water and Sewerage Department (both) 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.

The Public Lighting Department has entered into an agreement with Allied Signal, Inc. to maintain 1 — 250 watt mercury vapor street lighting fixture within Barnes Street. Subject to the terms and conditions of an executed document [entitled: "Agreement for Electric Service (Outdoor Lighting-Energy and Limited Maintenance)"], dated October 22, 1993, Allied Signal, Inc. will pay the Public Lighting Department a monthly fee in the amount of \$8.05.

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

By Council Member Scott:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Allied Signal, Inc." to close Barnes Street, 45 feet wide, east of West End Avenue (25 feet wide) lying southerly of and abutting the south line of Lots 31 thru 42 as platted in "Jacob and Nicol's Subdivision of Part of Private Claim 718, lying South of West Jefferson Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 29, Page 91, 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 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 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 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 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 be it further

Resolved, That subject to the terms and conditions of an executed document [entitled: "Agreement for Electric Service (Outdoor Lighting-Energy and Limited Maintenance)"], dated October 22, 1993, Allied Signal, Inc. shall pay the Public Lighting Department a monthly fee in the amount of \$8.05 (subject to reasonable price adjustments, based on actual costs to the city or the Public Lighting Department) to maintain 1 — 250 watt mercury vapor street lighting fixture; and further

Provided, Billings to Allied Signal, Inc. ("Allied") shall become due and payable to the Public Lighting Department — Accounting Section no later than the fifteenth day of each month; and further

Provided, If it becomes necessary to remove any part of the existing series of public street lighting fixtures within Barnes Street, 45 feet wide, east of West End Avenue (25 feet wide), by way of illustration, but not limitation, such as failure to pay justifiable monthly charges, it shall become the responsibility of "Allied" to pay any Public Lighting Department expenses to reinstall street light(s) prior to the street being re-opened for public use; such payment shall not be unreasonably withheld or denied in the interests of public health, safety, and welfare; and be it further

Resolved, 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 Cockrel, Everett, Ravitz, Scott, Tinsley-Williams, and President Pro Tem Hill — 6.

Nays — None.

JUNE 15, 1994  
J.C.C. Pgs. 1158-59

EDINA

ST. 50 FT. WD.

D 82000

AVE. 50  
113.65M.

TEMP. CLOSED  
FOR 3 YRS.  
FROM 3-7-79

S. CARY

40	100R	50
45M	60	
	58	
	56	
	55	50
	100	

BARNES

31		42
45	ST.	45

until  
7-1-99

RC.11 VAC.  
RC.718

ROUGE

1-F