

**Department of Public Works
City Engineering Division**

March 30, 1995

Honorable City Council:

Re: Petition No. 945, Gibson Brothers Trucking, Temporary Alley Closing Extended portion of east-west public alley south of West Chicago between Bryden and American

Petition No. 945 of "Gibson Brothers Trucking" requests an extension of the temporary closing of portion of the east-west public alley, 18 feet wide, south of West Chicago Avenue between Bryden and American Avenues.

The last petition (#1839) to temporarily close the referenced public alley was granted by Council on March 8, 1989 (J.C.C. pages 565-66). This petition has expired (on March 1, 1994).

The petition was referred to the City Engineering Division — DPW by the Planning and 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,

SUNDAY JAIYESIMI

City Engineer

By Council Member Everett:

Whereas, The following petition to temporarily close a portion of the east-west public alley, 18 feet wide, south of West Chicago Avenue between Bryden and American Avenues has been previously granted by City Council:

Petition No. 1839 on March 8, 1989 (J.C.C. pages 565-66);

Whereas, the last temporary closing renewal expired on March 1, 1994 and the petitioner has requested a further extension (Petition No. 945; referred to the City Engineering Division — DPW by the Planning and Development Department); and

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

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Gibson Brothers Trucking, Inc." to close a portion of the east-west public alley, 18 feet wide, south of West Chicago Avenue between Bryden and American Avenues, lying southerly of and abutting the south line of Lots 57 thru 59; also lying northerly of and abutting the north line of the eastern 11.00 feet of Lot 219; also lying northerly of and abutting the north line of the previously vacated north-south public alley (18 feet wide; March 30, 1943 — J.C.C. page 1000); also lying northerly of and abutting the north line of the western 31.00 feet of Lot 365 as platted in "Stoebels Greenfield Highlands Subdivision of a part of the Southeast Quarter of Section 33, Greenfield Township", City of Detroit, Wayne County, Michigan as recorded in Liber 31, Page 1, Plats.

the necessary conditions is attached for consideration by your Honorable Body.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

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Petition No. 1839 on March 8, 1989 (J.C.C. pages 565-66);

Whereas, the last temporary closing renewal expired on March 1, 1994 and the petitioner has requested a further extension (Petition No. 945; referred to the City Engineering Division — DPW by the Planning and Development Department); and

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

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "Gibson Brothers Trucking, Inc." to close a portion of the east-west public alley, 18 feet wide, south of West Chicago Avenue between Bryden and American Avenues lying southerly of and abutting the south line of Lots 57 thru 59; also lying northerly of and abutting the north line of the eastern 11.00 feet of Lot 219; also lying northerly of and abutting the north line of the previously vacated north-south public alley (18 feet wide; March 30, 1943 — J.C.C. page 1000); also lying northerly of and abutting the north line of the western 31.00 feet of Lot 365 as platted in "Stoebels Greenfield Highlands Subdivision of a part of the Southeast Quarter of Section 33, Greenfield Township", City of Detroit, Wayne County, Michigan as recorded in Liber 31, Page 1, Plats, Wayne County Records; on a temporary basis to expire on May 1, 2000;

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 Division — DPW. 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, The petitioner's fence and gate installation shall provide 15 feet horizontal and 13 feet vertical clearance(s) for utility maintenance vehicles; 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 Division — DPW (if necessary, in conjunction with the Traffic Engineering Division — DPW, and the Planning and Development Department); 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 Division — DPW 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 Cockrell, Everett, Hill, Hood, Ravitz, Scott, and President Mahaffey — 7.

Nays — None.

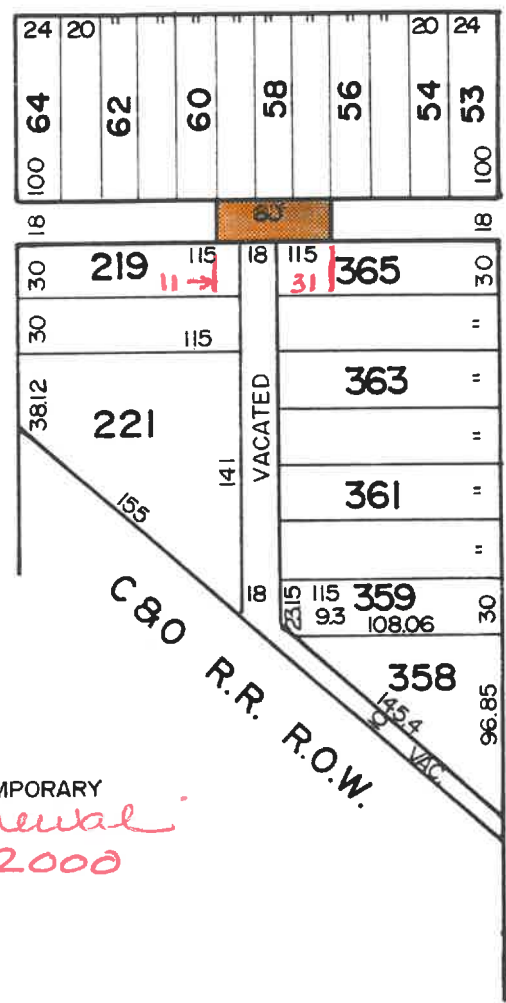
PETITION NO. ~~1839~~ **945**
 GIBSON BROTHERS TRUCKING
 7515 W. CHICAGO
 % HARVEY GIBSON
 PHONE: 491-3011 / 834-8340

W. CHICAGO



BRYDEN

AMERICAN



REQUESTED TEMPORARY
 CLOSING. *renewal*
until May 1, 2000

C & O R.R. R.O.W.

STOEPELS GREENFIELD HIGHLANDS SUB'N

CARTO. NO. ~~7-E~~ **7-F**
 SCALE: 1"=100'

B										REQUESTED TEMPORARY CLOSING OF A PORTION OF THE E/W ALLEY 18 FT. WD. IN THE BLK BND BY BRYDEN, AMERICAN, C & O R.R., & W. CHICAGO.	CITY OF DETROIT	
A											CITY ENGINEERING DEPARTMENT	
DESCRIPTION		DRWN	CHKD	APPD	DATE						JOB NO. 01-01	
REVISIONS											DRWG. NO. X- 1839 945.	
DRAWN BY J. FOSTER		APPROVED								DATE 7/26/88		
TRACED BY		APPROVED										
CHECKED		APPROVED										

April 12, 1995 JCC Pp. 926-27