

Department of Public Works
City Engineering Division

August 28, 1997

Honorable City Council:

Re: Petition No. 1707. Transmission Exchange, et al. Temporary Alley Closing east-west public alley north of Michigan between Braden and Martin.

Petition No. 1707 of "Transmission Exchange, et al" requests the temporary closing of the east-west public alley, 20 feet wide, north of Michigan Avenue between Braden Avenue (50 feet wide) and Martin Avenue (66 feet wide).

The request was approved by Solid Waste Division-DPW, and Traffic Engineering Division-DPW. The petition was referred to the City Engineering Division-DPW for investigation (utility review) and report. This is our report.

The Ameritech/Michigan Bell Telephone Company, Detroit Edison Company, Water and Sewerage Department, and Public Lighting Department reported facilities in the public alley. The City of Detroit retains all rights and interests in the temporarily closed public alley. City departments and private utility companies retain their access rights in the temporarily closed public alley. Utilities can impose specific conditions to insure unimpeded 24-hour-per-day access.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

By Council Member Cockrel:

Resolved, The City Engineering Division-DPW is hereby authorized and directed to issue permits to "Transmission Exchange" at 6862 Michigan Avenue, Detroit, Michigan to close all that part of the east-west public alley, 20 feet wide, north of Michigan Avenue between Braden Avenue (50 feet wide) and Martin Avenue (66 feet wide) being parts of Lots 23 and 24 of the "Plat of Edward Martin Estate in Private Claim 719, Town 2 South, Range 11, East (Springwells Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 451, Page 566, Deeds, Wayne County Records; (said public alley having been opened by City Council on June 16, 1925 — J.C.C. pages 1655-56); a strip of land 20.00 feet wide being more particularly described as follows: Beginning at the southwestern corner of said Lot 23; thence N29°30'07"W., 22.80 feet, along the easterly line of Braden Avenue (50 feet wide); thence N.89°20'30"E., 371.99 feet, along a line 117.77 feet north of and parallel to the north line of Michigan Avenue (120 feet wide); thence S.29°17'32"E., 22.80 feet, along the westerly line of Martin Avenue (66 feet wide); thence S.89°20'30"W., 371.89 feet, along a line 99.77 feet north of and parallel to the north line of Michigan Avenue (120 feet wide), to the point of beginning, containing about 8,480 square feet or 0.1947 acre more or less; on a temporary basis to expire on October 1, 2002;

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, 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 Traffic Engineering Division-DPW and Buildings & Safety Engineering Department); and

Provided, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) 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 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 Cleveland, Cockrel, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey

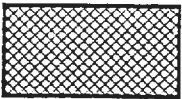
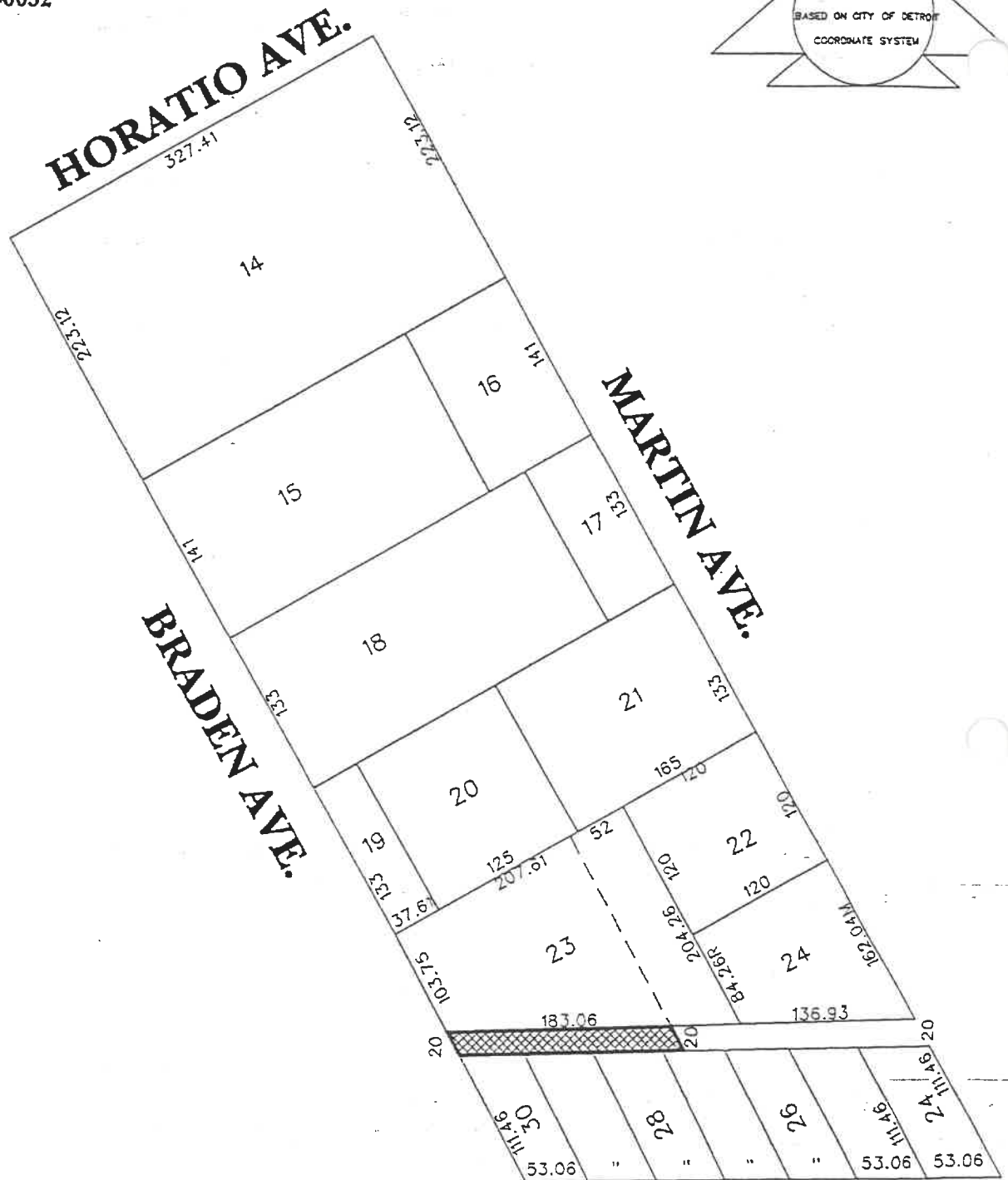
— 8.

Nays — None.

9-10-97
J.C.C. pp. 2334 - 2335

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PETITION NO. 1707
TRANSMISSION EXCHANGE
6862 MICHIGAN AVE.
C/O CHARLES HALL
PHONE: 313-843-0052



REQUESTED TEMPORARY CLOSING

MICHIGAN AVE.

E. MARTIN'S ESTATE SUB'N

6

CARTO. NO. 13-C&D
SCALE 1"=125'

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
4-18-96					

REQUESTED TEMPORARY CLOSING OF
W'LY PORTION ALLEY BLOCKS BND. BY
BRADEN AVE. , MARTIN AVE., MICHIGAN
AVE. AND HORATIO AVE.

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X1707