

4/22/98

JCC pgs. 901 - 902

**Department of Public Works
City Engineering Division**

April 7, 1998

Honorable City Council:

RE: Petition No. 239 Jewish Vocational Services, Inc. Temporary Alley Closing Extended northerly part of north-south public alley in the block bounded by Woodward, John R, Willis and Canfield

Petition No. 239 of "Jewish Vocational Services, Inc." requests an extension of the temporary closing of a northerly part of the north-south public alley, 15 feet wide, in the block bounded by Woodward Avenue, John R Street, Willis and Canfield Avenues.

Council granted the first temporary public alley closing (Petition No. 9104) on June 9, 1970 (J.C.C. pgs. 1424-25). City Council approved other extensions in 1973, 1976, 1980, 1987 and 1993. The last renewal (Petition No. 2931) expired on April 1, 1998.

I am recommending adoption of the attached (renewal) resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineering Division — DPW
By Council Member Cleveland:

Whereas, The following petitions to temporarily close a northerly part of the north-south public alley, 15 feet wide, in the block bounded by Woodward Avenue, John R Street, Willis and Canfield Avenues have been previously granted by City Council:

Petition No. 9104 on June 9, 1970 (J.C.C. pages 1424-25);

Petition No. 6684 on July 17, 1973 (J.C.C. pages 1880-81);

Petition No. 4156 on October 27, 1976 (J.C.C. page 2187);

Petition No. 3982 on October 5, 1980 (J.C.C. pages 2507);

Petition No. 1492 on September 4, 1987 (J.C.C. pages 1990-91);

Petition No. 2931 on March 31, 1993 (J.C.C. pages 546-47); and

Whereas, the last temporary closing renewal expired on April 1, 1998 and the petitioner requests a further extension (Petition No. 239; referred to the City Engineering Division - DPW); and

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

RESOLVED, The City Engineering Division - DPW is hereby authorized and directed to issue permits to "Jewish Vocational Services, Inc." [a/k/a "United Jewish Charities"] to close a northerly part of the north south public alley, 15 feet wide, in the block bounded by Woodward Avenue, John R Street, Willis and Canfield Avenues lying westerly of and abutting the west line of Lot 4; also lying easterly of and abutting the east line of the north 50.38 feet of Lot 3, Lots 1 and 2 (Park Lot 30) of "Fisher and Shearer's Subdivision of Park Lots 30 and 31" City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 15, Plats, Wayne County Records; on a temporary basis to expire on May 1, 2003;

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(s) shall be subject to the review and approval of City Engineering Division - DPW (if necessary, in conjunction with Traffic Engineering Division - DPW, Buildings and Safety Engineering Department, and the Fire Marshal); and

PROVIDED, This resolution does not permit the storage of materials, display of merchandise, or signs within the temporarily closed public alley. Further, the placement of materials, merchandise, or signs on any adjacent public sidewalk space (meaning the space between the lot line of the property and the street curb line) 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 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.

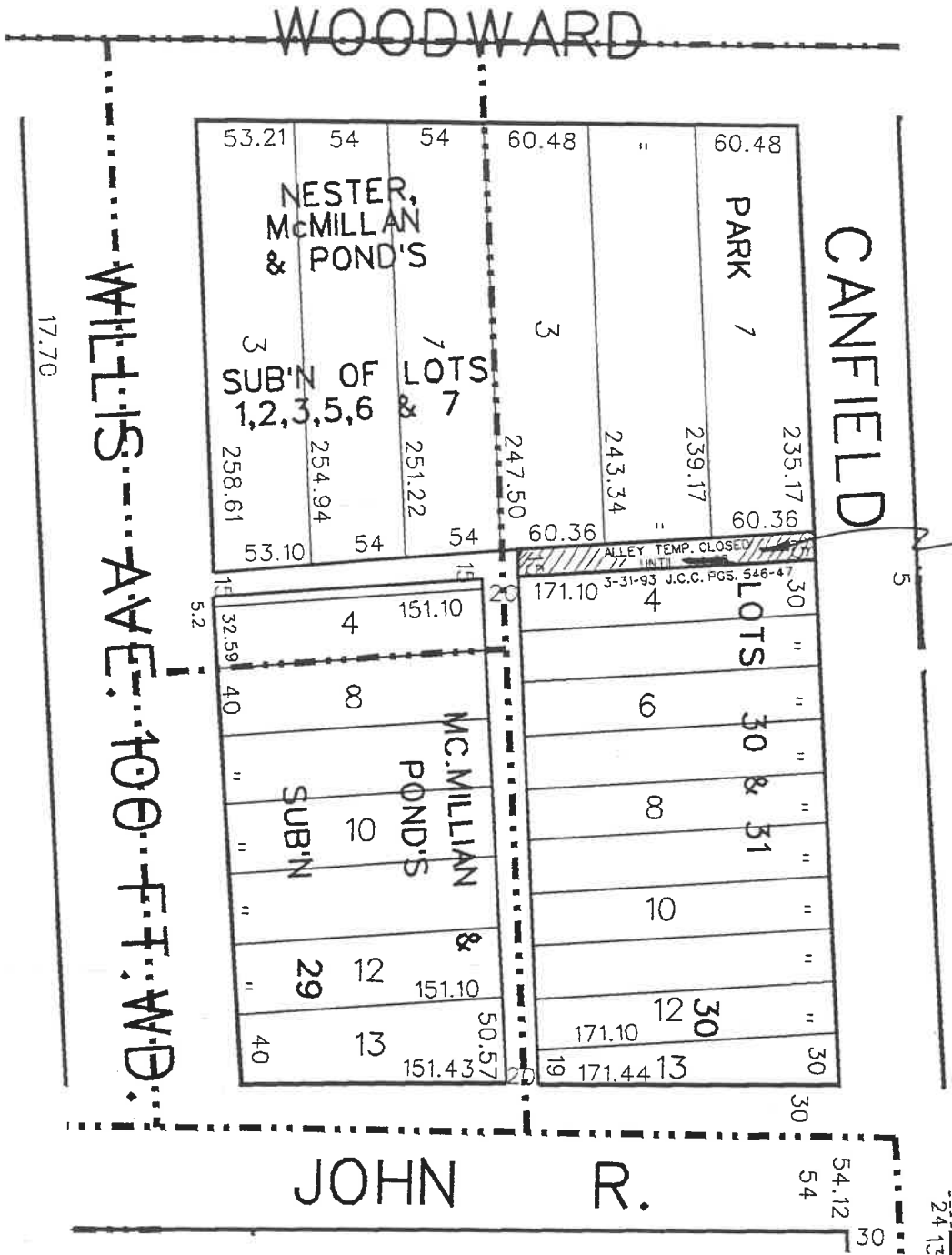
Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Scott, Tinsley-Williams, and President Pro Tem Mahaffey — 6.

Nays — None.

Council Member Hood abstained from voting due to a possible conflict of interest.

PETN # 239



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