

October 31, 2003

Honorable City Council:

RE: Petition No. 1046 – Southwest Detroit Environmental Vision, for Temporary Street closures, in area of Sanders Ave. at I-75; S. Fort Street at Pleasant.

Petition No. 1046 of "Southwest Detroit Environmental Vision", P.O. Box 09400, Detroit, Mi., 48209, requests that portions of two public streets be closed on a Temporary basis, in order to help prevent illegal dumping. One request involves closing a portion of South Fort Street, 60 feet wide, east of Pleasant Ave. and the other request involves closing a portion of Sanders Ave., 45 feet wide, south of the intersection of vacated Patricia Avenue and the Wabash Railroad right-of-way.

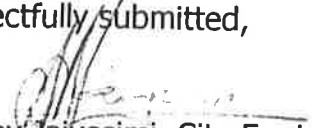
The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

Because the request to close the portion of South Fort Street east of Pleasant Ave. impacts a Michigan Department of Transportation (MDOT) study currently being conducted, the City Engineering Division – DPW agrees with City Planning Commission (CPC) staff (report to City Council, dated September 11, 2003) that the South Fort Street portion be deferred at this time.

All involved City departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities.

You will find attached an appropriate resolution, for your Honorable Body's consideration, authorizing the City Engineering Division – DPW to issue permits to close said portion of Sanders Avenue, on a temporary basis (for a period of five (5) years) to expire on November 5, 2008.

Respectfully submitted,


Sunday Jaiyesimi, City Engineer
City Engineering Division – DPW

JDF: jdf

cc: Ulysses Burdell, Deputy Director – DPW
Mayor's Office City Council Liaison

BY COUNCIL MEMBER: _____

The City Engineering Division – DPW is hereby authorized and directed to issue permits to "Southwest Detroit Environmental Vision", P.O. Box 09400, Detroit, Mi., 48209, to close a portion of Sanders Ave., 45 feet wide, southerly of the intersection of vacated Patricia Avenue (July 18, 1975; J.C.C. Pgs. 1449-51) and the Wabash Railroad right-of-way, more particularly described as; Lying easterly of and adjacent to the east line of Lot 26 and that portion of said vacated Patricia Avenue, 80 feet wide, lying westerly of and abutting the west line of Lot 24, lying northerly of and abutting the north line of said Lot 24, and lying southerly of and adjacent to the south line of the Wabash Railroad Right-of-way, as platted in "D.G. Riopelle's Subdivision of Lot No. 2 of the Subdivision of the Estate of Hyacinthe Riopelle, deceased, situated on Private Claim No. 61, south of the Butler and Wabash Railroad and east of Fort Street", City of Detroit, Wayne County, Michigan, as recorded in Liber 19, Page 6, Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on November 5, 2008;

PROVIDED, That Southwest Detroit Environmental Vision ("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, That access gates are installed, and ingress/egress is provided and maintained for all property owners and businesses adjacent to or directly impacted by said closure. The Traffic Engineering division – DPW (TED) also requires that the petitioner contact the Operations Section of TED for deploying proper signage barricades and detour routes during the closure period.

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, No buildings or other structures of any nature whatsoever (except necessary barricades), shall be constructed on or over the public rights-of-way. "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 rights-of-way. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public rights-of-way. Further, "the petitioner" shall comply with all specific conditions

imposed to ensure unimpeded 24-hour-per-day access to the City and utility companies; and

PROVIDED, All of "the petitioner's" public property fence, gate and barricade installations 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, This resolution does not permit the storage of materials, displays of merchandise, or signs within the temporarily closed public rights-of-way. 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 Division – DPW by the petitioner at "the petitioner's" expense; and

PROVIDED, "The petitioner's" fence, gate and barricade installations shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

PROVIDED, This resolution is revocable at the will, whim or caprices of the Detroit 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 Detroit 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.

