

February 28, 2005

Honorable City Council:

RE: Petition No. 2149 – Chief Judge, Third Circuit Court Timothy M. Kenny, requests for the temporary closure of Raynor Street between Clinton Street and Gratiot Avenue.

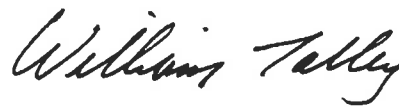
Petition No. 2149 of “Chief Judge, Third Circuit Court Timothy M. Kenny” at 302 Frank Murphy Hall of Justice, 1441 St. Antoine Avenue, Detroit Michigan 48226, request for the temporary closure of Raynor Street, variable width, between Gratiot Avenue, 120 feet wide, and Clinton Street, 40 feet wide for a five year period. The closure will provide more security for Frank Murphy Hall of Justice courthouse and Wayne County Jail.

The request was approved by the Traffic Engineering Division – DPW and the Planning and Development Department. This petition was referred to the City Engineering Division – DPW for investigation and report. This is our report.

All other 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 time to their facilities.

An appropriate resolution, containing the necessary conditions, is attached for consideration by your Honorable body.

Respectfully submitted,



William Talley, Head Engineer
City Engineering Division – DPW

NRP/

Cc: James A. Jackson, Director – DPW
Mayor’s Office – City Council Liaison
James D. Foster, Supervisor of Maps and Records

BY COUNCIL MEMBERS: _____

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue permits on behalf of “Wayne County Public Service” at 1441 St. Antoine Avenue, Detroit Michigan 48226 to “Chief Judge, Third Circuit Court Timothy M. Kenny” to close Raynor Street, variable width, between Gratiot Avenue, 120 feet wide and Clinton Street, 40 feet wide lying Easterly of and abutting the East line of a portion of vacated Raynor Street, on June 21, 1966 – J.C.C. Page 1897 and lying Westerly of and abutting the West line of a portion of vacated Raynor Street on August 16, 1960 – J.C.C. Page 1662 and Lot 158 of “A Plat of part of the Beaubien Farm” in the City of Detroit, as surveyed into Town Lots for the proprietors by John Mullett Surveyor as recorded in Liber 6 Page 475 through 478, City Records, Wayne County Records; on a temporary basis to expire on March 1, 2010;

Provided, That 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 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 be it further

PROVIDED, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with Wayne County Register of Deeds; and be it further

PROVIDED, The property owned by the petitioner and adjoining the temporary public street closing shall be subject to the proper zoning or regulated use (Broad of Zoning appeals Grant) over the total width and length of the street; and be it further

PROVIDED, No building or other structures of any nature whatsoever (except necessary line fence), shall be constructed on or over the street. The petitioner shall observe the rules and regulations of the City Engineering Division – DPW. The City of Detroit retains all rights and interest in the temporary 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 ensure unimpeded 24- hour-per-day access to the City and utility companies; and be it further

PROVIDED, All of the petitioner’s public property fence and gate installations shall be subject to the review and approval of the City Engineering – DPW (if necessary, in conjunction with the traffic Engineering Division – DPW, and the Planning and Development Department; and be it further

PROVIDED, This resolution does not permit the storage of materials, displays 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 be it further

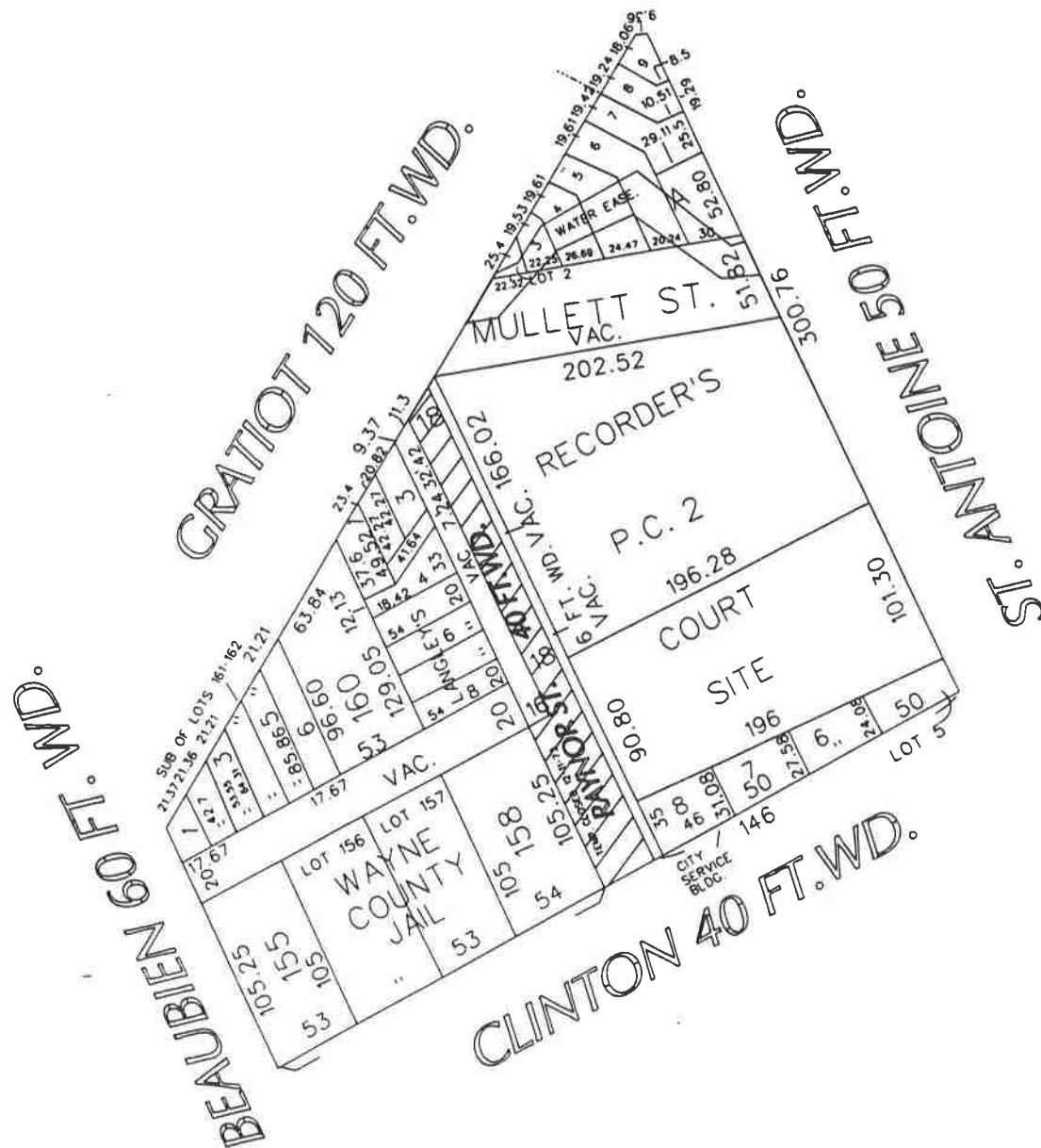
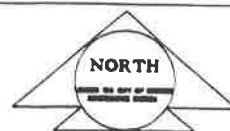
PROVIDED, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division – DPW by the petitioner at the petitioner's expense; and be it further

Provided, That if a security gate is erected over Raynor Street access points their will be limited access to Law enforcement and judges of the Wayne County Jail and Frank Murphy Hall of Justice courthouse 24 hours a day.

PROVIDED, This resolution is revocable at the will, whim or caprice 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 five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and be it further

PROVIDED, This permit shall not be assigned or transferred without the written approval of the Detroit City Council.

PETITION NO. 2149
 CHIEF JUDGE, THRID CIRCUIT COURT
 TIMOTHY M. KENNY
 302 FRANK MURPHY HALL OF JUSTICE
 PHONE NO. 313-224-5170



- REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 28 A

B					
A					
DESCRIPTION	DRWN	CHD	APPD	DATE	
REVISIONS					
DRAWN BY	NP	CHECKED			
DATE	01-27-04	APPROVED			

REQUESTED CONVERSION TO EASEMENT
 RAYNOR ST. 40 FT. WD. IN BLK. BND. BY
 CLINTON, GRATIOT, ST. ANTOINE AND
 BEAUBIEN.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x2149.dgn