

October 1, 2007

Honorable City Council:

RE: Petition No. 0163

L. Thoms Leasing, Inc. at 175 S. Campbell
Alley to Easement and Temporary Alley Closing(s)
the east-west public alleys, and a north-south public alley
in the block bounded by S. Cavalry, S. Campbell, Driggs and the Railroad

Petition No. 0163 of the " L. Thoms Leasing, Inc. at 175 S. Campbell, et al." requests the conversion of the east-west public alley, 18 feet wide, east of S. Cavalry and north of Driggs into a private easement for public utilities; also the temporary closing of the east-west public alley, 15 and 30 feet wide; also the temporary closing of the north-south public alley, 20 feet wide, (all) in the block bounded by S. Cavalry, S. Campbell, Driggs Avenues and the Michigan Central Railroad.

The request was approved by the Traffic Engineering Division - DPW and the Planning and Development Department with certain restrictions.

The Water and Sewerage Department requires unimpeded access to service existing sewer facilities. Any fence and gate installation must provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles.

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

There is an appropriate resolution, containing the necessary conditions, attached for consideration by your Honorable Body.

Respectfully submitted,



Jessy Jacob, P.E., Interim City Engineer
City Engineering Division - DPW

AM:

Cc: Cathy Square, Director - DPW
Kandia Milton, Mayor's Office
Attachment
File

BY COUNCIL MEMBER: _____

RESOLVED, The City Engineering Division - DPW is hereby authorized and directed to issue permits to the owner(s) of "L. Thoms Leasing, Inc. at 175 S. Campbell, Detroit, Michigan" to close the following public alleys:

- (1) A western portion of the east-west public alley, 20 feet wide, in the block bounded by S. Campbell, Junction, Driggs Avenues and the Michigan Central Railroad lying southerly of and abutting the south line of the eastern 20.00 feet of Lot 198 and Lot 197; also lying northerly of and abutting the north line of the eastern 20.00 feet of Lot 195 and Lot 196 of the "Second Plat of the Subdivision of part of the Walter Crane Farm, Private Claim 39, between Public Alley South of Fort Street and Harvey Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 26, Plats, Wayne County Records; also
- (2) All of the north-south public alley, 18 feet wide, in the block bounded by S. Campbell, Junction, Driggs Avenues and the Michigan Central Railroad having been platted as the eastern 18.00 feet of Lot 195 of the "Second Plat of the Subdivision of part of the Walter Crane Farm, Private Claim 39, between Public Alley South of Fort Street and Harvey Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 26, Plats, Wayne County Records; said part of lot having been deeded to the City of Detroit for public alley purposes on June 11, 1912;

The above described public alleys shall be closed on a temporary basis to expire on November 1, 2012;

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 City Engineering Division - DPW (if necessary, in conjunction with Traffic Engineering Division - DPW and the Water and Sewerage 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

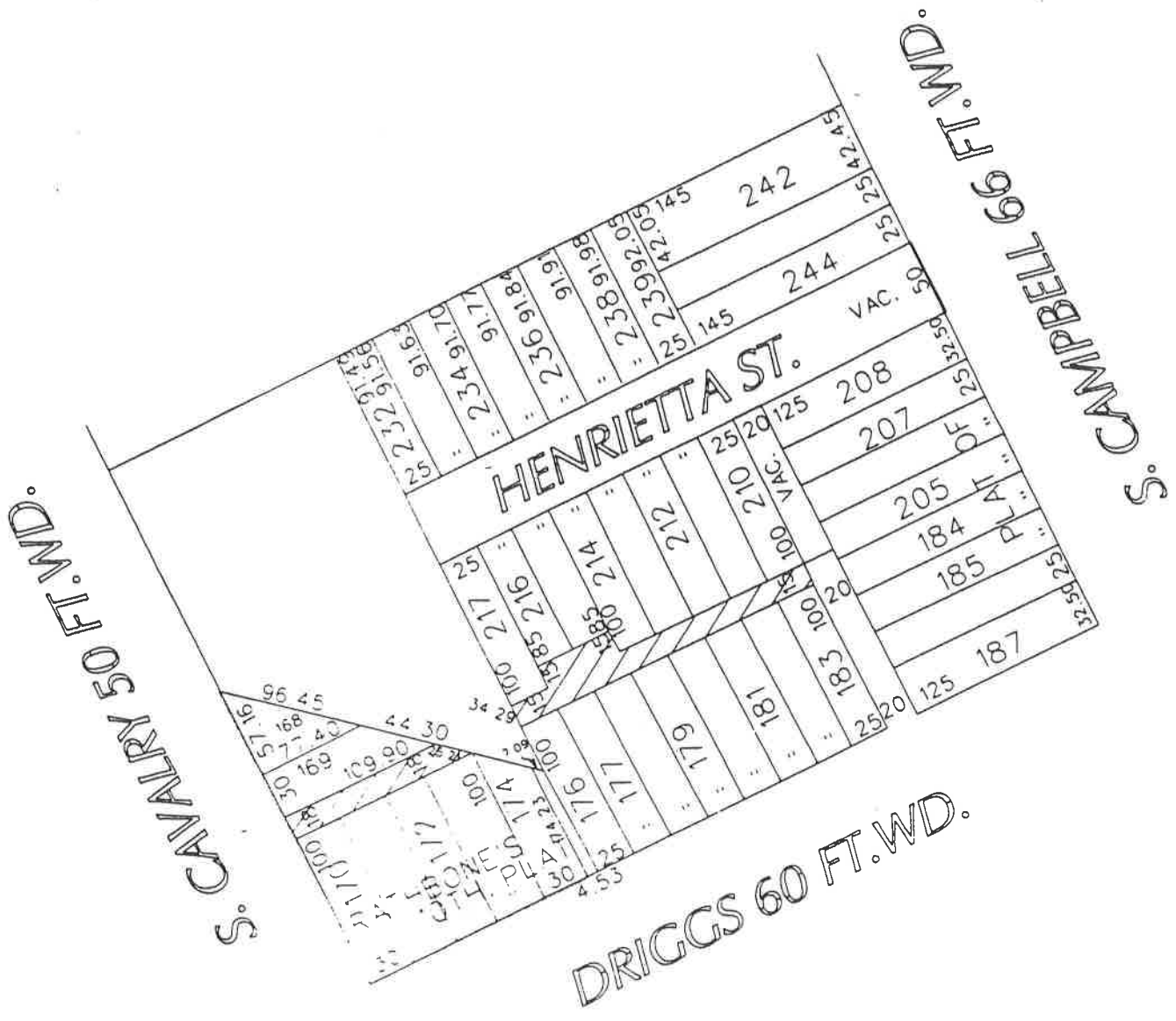
PROVIDED, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division - DPW by the petitioner at the petitioner's expense; and

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.

PETITION NO. 163
 L. THOMS LEASING INC
 175 S. CAMPBELL
 c/o STEVEN THOMS
 PHONE NO. 313-843-0013
 FAX NO. 313-843-1370



 - TEMPORARY CLOSING

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NP		CHECKED		
DATE	5-1-06		APPROVED		

(FOR OFFICE USE ONLY)

CARTO 10 B

REQUESTED TEMPORARY CLOSE THE EAST-WEST
 PUBLIC ALLEY IN THE AREA OF DRIGGS,
 S. CAVALRY, AND S. CAMPBELL.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. x162.dgn

October 1, 2007

Honorable City Council:

RE: Petition No. 0162
SOLT, Inc.
Alley to Easement
north-south public alley
in the block bounded by S. Cavalry,
S. Campbell, Harvey, and Driggs

Petition No. 0162 of "SOLT, Inc." requests the conversion of the north-south public alley, 20 feet wide, in the block bounded by S. Cavalry, S. Campbell, Harvey and Driggs Avenues into a private easement for public utilities.

The requested conversion was approved by the Planning and Development Department, 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 petitioner plans to use the paved alley return entrances (into Harvey and Driggs Avenues) and requests such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,



Jessy Jacob, P.E., Interim City Engineer
City Engineering Division - DPW

AM:

Cc: Cathy Square, Director - DPW
Kandia Milton, Mayor's Office
Attachment:
File

BY COUNCIL MEMBER: _____

RESOLVED, All of the north-south public alley, 20 feet wide, in the block bounded by S. Cavalry, S. Campbell, Harvey and Driggs Avenues lying westerly of and abutting the west line of Lots 128 through 132, and Lots 149 through 153 of the "Second Plat of the Subdivision of part of the Walter Crane Farm, Private Claim 39, between Public Alley South of Fort Street and Harvey Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 26, Plats, Wayne County Records; also said north-south public alley lies easterly of and abuts the east line of a parcel East of S. Cavalry Avenue described as follows: The East 114.26 feet of the West 354.26 feet on the North (parcel) line, being the East 61.24 feet of the West 353.24 feet on the South (parcel) line of that part of said "Walter Crane Farm, Private Claim 39," lying between Harvey and Driggs Avenues;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities of the full width of the alley, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said alley and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

SECOND, said utility easement or right-of-way in and over said vacated alley herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

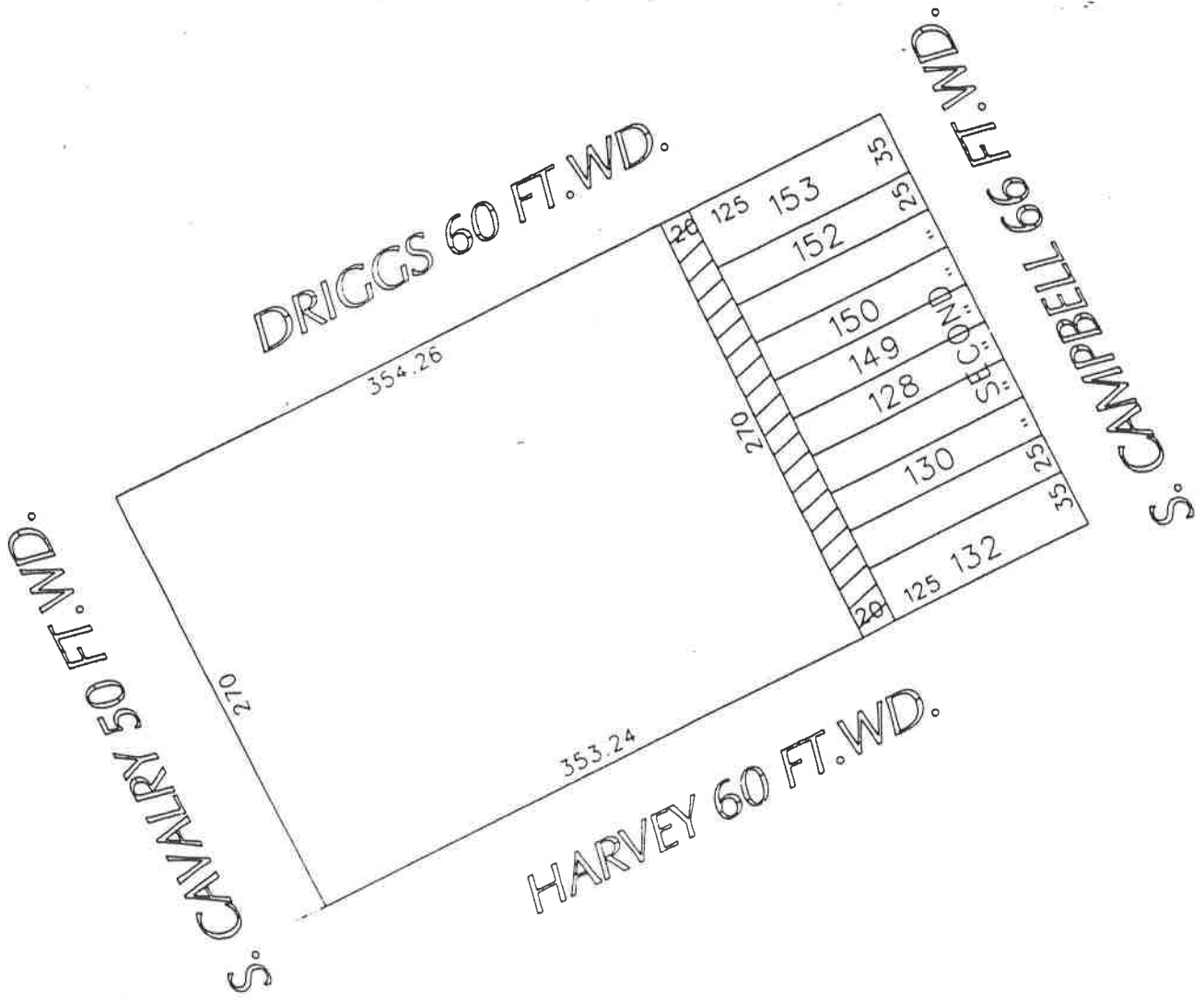
THIRD, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, porches, patios, balconies, retaining or partition walls, (except necessary line fence; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division - DPW,

FOURTH, that if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

FIFTH, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

PROVIDED, That if it becomes necessary to remove the paved alley return at the entrance (into Harvey and/or Driggs Avenues), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division - DPW specifications with all costs borne by the abutting owner(s), their heirs or assigns; 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.



 - REQUESTED CONVERSION TO EASEMENT

334-294

(FOR OFFICE USE ONLY)

CARTO 10 B

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DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NP				
DATE	5-1-06				
	APPROVED				

REQUESTED CONVERSION TO EASEMENT THE
 NORTH-SOUTH PUBLIC ALLEY IN THE ARE OF
 DRIGGS, HARVEY, S. CAMPBELL, AND
 S. CAVALRY.

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x162.dgn

October 1, 2007

Honorable City Council:

RE: Petition No. 0160

L. Thoms Leasing, Inc. at 175 S. Campbell

Temporary Alley Closing(s)

Part of the east-west public alley, and one north-south public alley
in the block bounded by S. Campbell, Junction, Driggs and the Railroad

Petition No. 0160 of the " L. Thoms Leasing, Inc. at 175 S. Campbell, et al." requests the temporary closing of a westerly portion of the east-west public alley, 20 feet wide; and one north-south public alley, 18 feet wide, in the block bounded by S. Campbell, Junction, Driggs Avenues and the Michigan Central Railroad.

The request was approved by the Traffic Engineering Division - DPW and the Planning and Development Department with certain restrictions.

The Water and Sewerage Department requires unimpeded access to service existing sewer facilities. Any fence and gate installation must provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles.

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

There is an appropriate resolution, containing the necessary conditions, attached for consideration by your Honorable Body.

Respectfully submitted,



Jessy Jacob P.E., Interim City Engineer
City Engineering Division - DPW

AM:

Cc: Cathy Square, Director – DPW
Kandia Milton, Mayor's Office
Attachment
File

BY COUNCIL MEMBER: _____

RESOLVED, The City Engineering Division - DPW is hereby authorized and directed to issue permits to the owner(s) of "L. Thoms Leasing, Inc. at 175 S. Campbell, Detroit, Michigan" to close the following public alleys:

- (1) A western portion of the east-west public alley, 20 feet wide, in the block bounded by S. Campbell, Junction, Driggs Avenues and the Michigan Central Railroad lying southerly of and abutting the south line of the eastern 20.00 feet of Lot 198 and Lot 197; also lying northerly of and abutting the north line of the eastern 20.00 feet of Lot 195 and Lot 196 of the "Second Plat of the Subdivision of part of the Walter Crane Farm, Private Claim 39, between Public Alley South of Fort Street and Harvey Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 26, Plats, Wayne County Records; also
- (2) All of the north-south public alley, 18 feet wide, in the block bounded by S. Campbell, Junction, Driggs Avenues and the Michigan Central Railroad having been platted as the eastern 18.00 feet of Lot 195 of the "Second Plat of the Subdivision of part of the Walter Crane Farm, Private Claim 39, between Public Alley South of Fort Street and Harvey Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 26, Plats, Wayne County Records; said part of lot having been deeded to the City of Detroit for public alley purposes on June 11, 1912;

The above described public alleys shall be closed on a temporary basis for five years to expire on November 1, 2012;

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 City Engineering Division - DPW (if necessary, in conjunction with Traffic Engineering Division - DPW and the Water and Sewerage 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

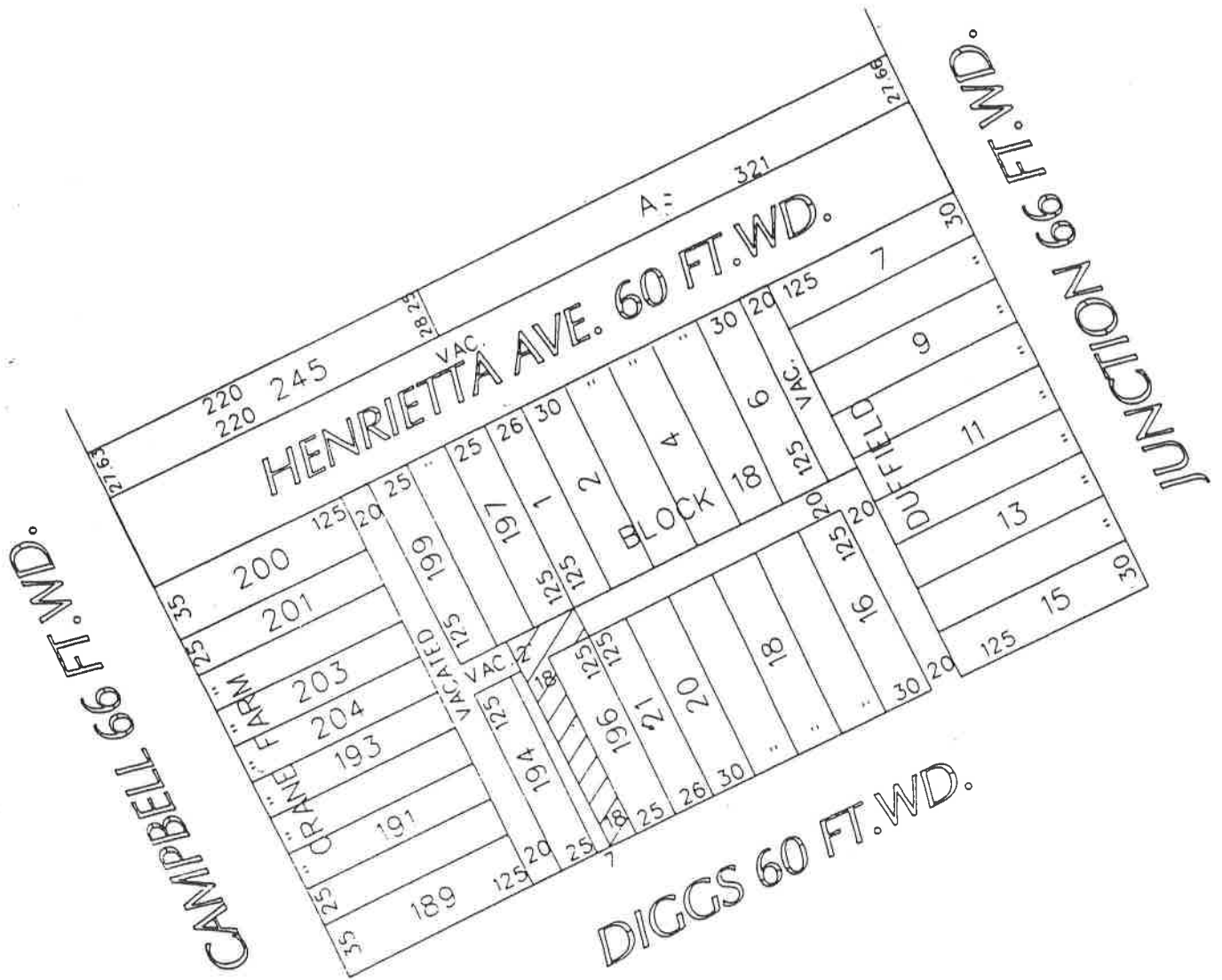
PROVIDED, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division - DPW by the petitioner at the petitioner's expense; and

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.

PETITION NO. 160
 L. THOMS LEASING INC.
 175 S. CAMPBELL
 c/o STEVEN THOMS
 PHONE NO. 313-843-0013
 FAX NO. 313-843-1370



 - TEMPORARY CLOSING

(FOR OFFICE USE ONLY)

CARTO 10 B

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DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	NP	CHECKED			
DATE	5-1-06	APPROVED			

REQUESTED TEMPORARY CLOSE THE NORTH-SOUTH, AND A PORTION OF THE EAST-WEST PUBLIC ALLEYS IN THE AREA OF DIGGS, CAMPBELL, AND JUNCTION.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. x160.dgn