

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, May 24, 2007

To: *The Department or Commission Listed Below*

From: *Janice M. Winfrey, Detroit City Clerk*

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

DPW - CITY ENGINEERING DIVISION

1632 *F & M Auto Sale, Inc, request vacation of alley and installation of gate behind business at 13228 E. Eight Mile Road, at Alcoy and JoAnn Streets.*

JoAnn Alcoy

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1632

May 10, 2007

Honorable City Council
2 Woodward
200 CAYMC
Detroit, Michigan 48205

Dear Honorable Council Members:

I am the owner of F& M Auto Sale Inc., located at 13228 E. 8 Mile Rd in Detroit, Michigan. I am requesting to have half of the alley closed between Alcoy and JoAnn Streets. I am experiencing illegal dumping of all sorts that include; junk, furniture, used tires, trash and unwanted debris. I am proposing to close only half the alley to not block a homeowners entrance into their garage.

On April 19, 2007 I was issued a ticket (07-004-088) for \$500.00 for having solid waste on the premises that I did not place there. I have petitioned neighbors who own properties bordering this alley to sign letters in support of closing this alley. I am proposing to stop the illegal dumping by installing a gate directly behind my business, if this is not permissible by your Honorable Body I am open to any and all suggestions.

Sincerely,



Faris Orah - Owner
F&M Auto Sale Inc.,

Bus (313) 372-9655
cell (248) 802-7222

Attachments:
Letters of Support

--CITY CLERK--

10 MAY 07 10: 09

May 9, 2007

*To Whom It May Concern: The alley behind F&M Auto Sales and
On the side of my home at 20586 Joann I am in full agreement that
It can be partially blocked off by the owner of F&M Auto Sales
13228 E. 8 Mile Road Detroit, Michigan 48205.*

*He has done a wonderful job of cleaning the alley of unwanted debris
where people were dumping all kinds of furniture, tires, clothing,
toys all kinds of unwanted trash. Please give him the permit that he
needs to complete the job that he is doing, so the unwanted trash can
not be dump there anymore it was an eye sore for our neighborhood.*

*Thank You Very Much!
Mary Christian*

F & M AUTO SALE INC

13228 E. 8 MILE RD.

DETROIT MI 48205

TO WHOM IT CONCERNS

Martins Auto Totally Agrees

With F & M Auto that

Closing Alley will Help

Stop Rubbish Dumping on

City Property & Rodents Due
to garbage.

Dorey Dav
13300 E. 8 mi

May 9, 2007

To whom it concern: The alley behind
F & M Auto Sales and on the side of my
Resident at 20575 Alcott & we also in full
agreement that it can be partially blocked-off
By the owner of F & M Auto Sales 13288 E. 8
Mile Road Calthart, Michigan 48205.

The owner is doing a great job for ^{the} area,
and I thank him for it; because the un-
wanted trash can't be dumped there.
M. Bradford

March 5, 2009

Honorable City Council:

RE: Petition No. 1632 – F&M Auto Sale Inc. request vacation of alley and installation of gate behind business at 13228 E. Eight Mile Road, at Alcoy and JoAnn Streets.

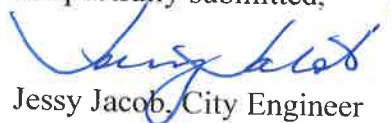
Petition No. 1632 of “F&M Auto Sale Inc.” whose address is 13228 East Eight Mile Road, Detroit, Michigan 48205, request for temporary closure of a portion of the East – West public alley, 20 feet wide, in the block bounded by East Eight Mile Road, 204 feet wide., Collingham Drive, 60 feet wide, JoAnn Avenue, 60 feet wide, and Alcoy Avenue, 60 feet wide in order to prevent the illegal dumping and unwanted debris.

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

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 alley, on a temporary basis (for a period of five (5) years) to expire on March 1, 2014

Respectfully submitted,



Jessy Jacob, City Engineer
City Engineering Division – DPW

NRP/

Cc: Alfred Jordan, 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 “F&M Auto Sale Inc and/or assigns”, the Easterly half of the East – West public alley, 20 feet wide in the block bounded by East Eight Mile Road, 204 feet wide., Collingham Drive, 60 feet wide, JoAnn Avenue, 60 feet wide, and Alcoy Avenue, 60 feet wide. Being all that part of the East – West public alley, 20 feet wide, lying Northerly of and abutting the North line of Lot 297, and lying Southerly of and abutting the South line of Lots 291 through 296, both inclusive all in the “Waltham Manor Subdivision” of the West $\frac{3}{4}$ of North $\frac{1}{2}$ of Northeast $\frac{1}{4}$ of Section 2, T.1S.,R.12E., City of Detroit, Wayne County, Michigan as recorded in Liber 54 Page 55, Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on March 1, 2014;

PROVIDED, That the petitioner shall file with the Finance Department and/or City Engineering Division – DPW 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, 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 TED also requires that the petitioner contact the Operations Section of TED for deploying proper signage barricades and detour routes during the closure period (if necessary); and

PROVIDED, that the petitioner, all other property owners and business owners adjacent to or directly impacted by said closure is still responsible for the maintenance and/or upkeep of that portion of the public alley that abuts his/her property; and further

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.

