

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Wintrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Friday, November 05, 2010

To: The Department or Commission Listed Below

From: Janice M. Wintrey, 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

759 *UrbanTECH, for closing of remaining public alleys in the block bounded by Calvary, Campbell, W. Vernor and Newberry.*

759

UrbanTECH

Right-of-way Agent / Engineering Technician
13572 Towering Oaks, Suite B
Shelby Township, Michigan 48315

October 18, 2010

Honorable Detroit City Council
C/O Detroit City Clerk
Coleman A. Young Municipal Center
2 Woodward Avenue, Ste. 200
Detroit, Michigan 48226


RE: Requesting the City of Detroit to investigate the temporary closing of remaining public alley(s), in the block bounded by Calvary, Campbell, W. Vernor and Newberry.

On-behalf of "Ryan's Food", at 5858 W. Vernor Highway, we respectfully request that your Honorable City Council authorize the closing of the remaining public alleys in the block bounded by Calvary, Campbell, W. Vernor and Newberry. Portions of public alleys have been previously approved by the Detroit City Council, April 11, 2007, J.C.C. Pgs. 851 - 54. Said previous alley closings allowed for the construction of a new CVS Pharmacy immediately adjacent to Ryan Foods. We have a very unique, bustling block, within the southwest neighborhood of Detroit.

Our block consists of not only our Food Store and the CVS, but also a very thriving restaurant and single family homes. We believe that in order to provide a secure, safe area for the citizens that utilize the various amenities of our block, in addition to our residents, allowing the closure would give us better options of reducing the traffic to only that are necessary to access our properties. We are experiencing vehicles using our alley as a "thru-way". This is creating a dangerous environment and unnecessarily increasing truck traffic.

Our intention is to maintain the access for our existing stakeholders. At the same time exploring various options of reducing traffic, with traffic control devices, gates, barriers, etc.

Please feel free to drive our block, so you can gain a better understanding of uniqueness of our issues. If you should have any questions or concerns, please do not hesitate to contact me at 313-995-1319.

Respectfully,

James D. Foster, Principal Consultant
UrbanTech

--CITY CLERK--
51 OCT 15 10:15 AM '10

CALVARY AVE.

22.64

NEWBERRY AVE.

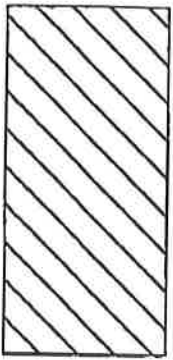
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128.04	1006	"	127.74		"	128.04	1006	"	127.74		"
127.43	1004	"	127.13		"	127.43	1004	"	127.13		"
126.82	1002	"	126.52		"	126.82	1002	"	126.52		"
126.21	1000	"	120.14		"	126.21	1000	"	120.14		"
107.60	998	"	107.30		"	107.60	998	"	107.30		"
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5.18

CAMPBELL AVE.

W. VERNOR HWY

REQUESTED ALLEY CLOSURE



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January 12, 2011

Honorable City Council:

RE: Petition No.759 – UrbanTECH, request for closing the remaining public alleys in the block bounded by Calvary, Campbell, West Vernor and Newberry.

Petition No. 759 of “UrbanTECH”, on behalf of Ryan’s Food Center request permission to temporarily close the remaining public alleys in the block bounded by Newberry Avenue, 50 feet wide, West Vernor Highway, 66 feet wide, Campbell Avenue, 66 feet wide, and Cavalry Avenue, 50 feet wide.

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

The City Engineering Division – DPW’s investigation requires for the petitioner to obtain the consents of abutting property owners for the closure of the remaining alleys in said area. There are six (6) different property owners that need to consent to the petitioner’s request. The petitioner was able to obtain three (3) consents from abutting property owners. Two property owners have not replied back to the certified mailing sent on or mailed on June 16, 2011, copies of the certified mail receipts are on file with the City Engineering Division – DPW. One property owner at 5878 West Vernor Highway **OBJECTS** to the request stating “This request is **TOTALLY** unacceptable. We have been established in the area in question for over thirty years, well before Ryan’s Food Center. These alleys are necessary for delivery and access to our customer’s parking. The closing of these routes will have a negative effect on our business. The closing makes no sense and will actually create havoc.” City Engineering Division – DPW (CED) have been receiving numerous complaints over the past years between property owners in the alley in regards to previous alley closures and illegal alley closures.

Usually when CED receives objections like this from abutting property owners, CED would have the petitioner resolve the issue with the property owner in order for CED to send a resolution to this Honorable Body. In this case the petitioner’s consultant, Jackson Consulting Group LLC, on the directions of his client, Ryan’s Foods Center, sent a letter dated November 16, 2011 requesting that CED submit a resolution to this Honorable Body on our findings and investigation information.



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

65 CADILLAC SQUARE, SUITE 900
DETROIT, MICHIGAN 48226
PHONE 313•224•3949
FAX 313•224•3471
WWW.DETROITMI.GOV

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 authorizing the City Engineering Division – DPW to issue permits to close said remaining alleys in said area, on a temporary basis (for a period of five (5) years) to expire on February 1, 2017. If and only if this Honorable Body approve the attached resolution.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard Doherty", written over a circular stamp or seal.

Richard Doherty, Head Engineer
City Engineering Division – DPW

NRP/

Cc: Ron Brundidge, Director – DPW
Mayor's Office – City Council Liaison

BY OUNCIL MEMBER _____

The City Engineering Division – DPW is hereby authorized and directed to issue permits to “UrbanTECH and/or Jackson Consulting Group LLC” - on behalf of Ryan’s Food Center to close the remaining alleys, 20 feet wide, all in the block bounded by Newberry Avenue, 50 feet wide, West Vernor Highway, 66 feet wide, Campbell Avenue, 66 feet wide, and Cavalry Avenue, 50 feet wide, described as the North – South public alley, 20 feet wide, lying Easterly of and abutting the East line of Lot 958, and lying Westerly of and abutting the West line of Lot 959; Also the East – West public alley, 20 feet wide, lying Northerly of and abutting the North line of Lots 953 through 958, both inclusive, and lying Southerly of and abutting the South line of Lots 1005 through 1010, both inclusive, and the West 15 feet of Lot 1004 all in the “Plat of the Subdivision of the Walter Crane Farm” Springwells (now City of Detroit) Wayne County, Michigan T.2S.R.11E, Recorded January 10, 1880 as recorded in Liber 5, Page 29, Plats, Wayne County Records;

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

PROVIDED, That being that Ryan’s Food Center (and petitioner) granted and the City of Detroit accepted an easement on April 11, 2007 for that portion of land knows as the North – South public alley, 20 feet wide, for an alley outlet, that easement shall not be in forced until the Temporary Closure of said alley is expired on February 1, 2017; and be it further

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 defend, 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 be it further

PROVIDED, that Detroit Water and Sewerage Department (DWSD) forces shall have free and easy access to the water main and sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and sewer facilities. Free and easy access shall mean that no structures or storage of materials will be allowed upon the temporarily closed street to hinder the movement of maintenance equipment, and be it further

PROVIDED, that should the water main and/or sewer facilities be broken or damaged as a result of any action on the part of the petitioner or assigns, then in such event the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damage water main and appurtenances, and waives all claims for damages, and be it further

PROVIDED, No buildings or other structures of any nature whatsoever (except necessary barricades such as fences), 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 24-hour-per-day access to the City and utility companies are provided; and be it further

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 be it further

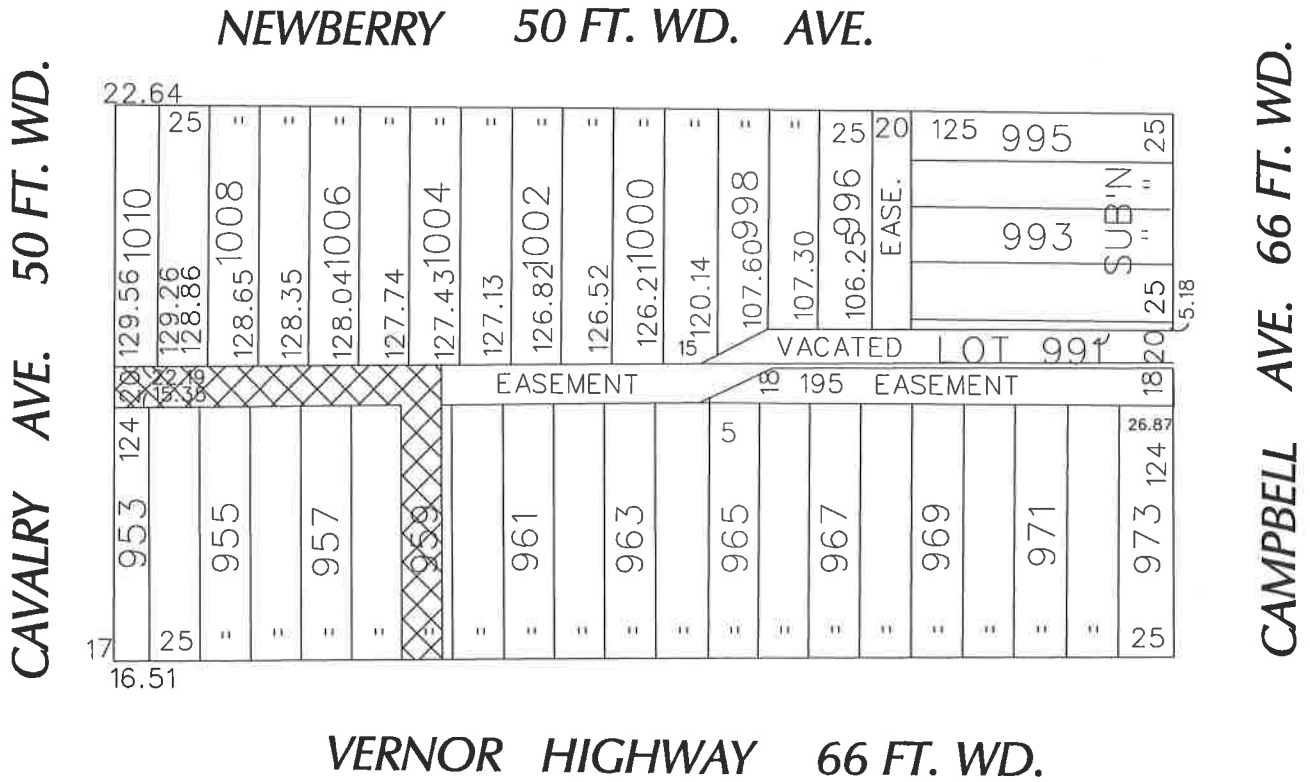
PROVIDED, that at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division – DPW by the petitioner at the petitioner's expense; and be it further

PROVIDED, 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 be it further

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

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. 759
 URBANTECH
 13572 TOWERING OAKS, SUITE B
 SHELBY TOWNSHIP, MICHIGAN 48315
 C/O JAMES FOSTER
 PHONE NO. 313 995 1319



- TEMPORARY CLOSURE

(FOR OFFICE USE ONLY)

CARTO 11 B

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A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
KSM					
12-23-10					

**REQUEST TEMPORARY CLOSURE OF THE
 REMAINING PUBLIC ALLEYS
 IN THE BLOCK BOUND BY
 CALVARY, CAMPBELL, W. VERNOR
 AND NEWBERRY**

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X759.dgn

