

Janice M. Winfrey
City Clerk

City of Detroit
OFFICE OF THE CITY CLERK

Robin R. Underwood, CMC
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Friday, May 09, 2014

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

235 *Brooksey's LLC, request permission to permanently vacate the alley located between W. Warren Ave., and Holmes and between Proctor St. and Central. (Related to Petition 2162)*

200 Coleman A. Young Municipal Center • Detroit, Michigan 48226-3400
(313) 224 3260 • Fax (313) 224-1466



CITY OF DETROIT
CITY ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS

COLEMAN A YOUNG MUNICIPAL CENTER
SUITE 601
TWO WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3473
PHONE 313 • 224 • 3949
FAX 313 • 224 • 3471

June 23, 2015

Honorable City Council:

RE: Petition No. 235, Brooksey's LLC, request to permission to permanently vacate the alley located between W. Warren Ave., and Holmes and between Proctor St. and Central. (Related to Petition 2162)

Petition No. 235– Brooksey's LLC, request to vacate and convert to easement the east-west public alley, 16 feet wide, in the block of Holmes Avenue, 60 feet wide, West Warren Avenue, 100 feet wide, Central Avenue, 60 feet wide, and Proctor Avenue, 60 feet wide. The request has been amended to renew the existing temporary closure due to the existing usage and conditions.

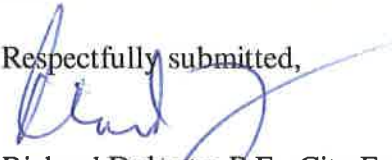
The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request is a renewal of an existing closure that has no record of objections. The request is being made to maintain security and prevent illegal dumping.

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. Provisions protecting the rights of the utilities and the City are a part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,


Richard Doherty, P.E., City Engineer
City Engineering Division – DPW

/JMK

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

Michael Duggan. MAYOR

BY COUNCIL MEMBER _____

WHEREAS, The previous petition # 2162 to temporarily close the east-west public alley, 16 feet wide, in the block of Holmes Avenue, West Warren Avenue, Central Avenue, and Proctor Avenue was granted by City Council on July 15, 2008 (J.C.C. pages 1840-1841), and

WHEREAS, The petitioner complied with the terms, conditions and restrictions of the previously granted Council resolution; therefore be it

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to “Brooksey’s LLC” at 7625 West Warren Avenue, Detroit, Michigan 48210 to close the East – West, open public alley, 16.00 feet wide, described as lying Southerly of and abutting the South line of Lots 15 through 32, both inclusive, and lying Northerly of and abutting the North line of Lots 130 through 147, both inclusive, all in the “William L. Holmes and Frank A. Vernor’s Subdivision of a part of Lot 8 and Lot 9 of the Richard McDonald Estate Fractional Section 9, T.2S., R.11E. Springwells, (now City of Detroit) Wayne County Michigan” as recorded in Liber 16 Page 73 Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on July 1, 2020;

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, 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, 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, No buildings or other structures of any nature whatsoever (except necessary line fence), 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 right-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, The petitioner's fence, gate and barricade installations shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles and must only be installed in such a way to not prohibit pedestrian traffic within the sidewalk space; 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 temporary area is prohibited; and

PROVIDED, that if there is still a need for access from any of the abutting property owners to said temporary closed alley, access shall and must be maintained for those properties; 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, that 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 the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

PROVIDED, that 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.

PETITION NO. 235
 BROOKSEY LLC
 7625 WARREN W. AVE.
 DETROIT, MICHIGAN 48210
 C/O BROOKSEY IRVINE JR.
 PHONE NO. 313 617-6195



CENTRAL AVE. 60 FT. WD.

WARREN W. AVE. 100 FT. WD.

PROCTOR AVE. 60 FT. WD.

30	102.22	30
"	15	"
"	102.24	"
"	102.25	"
"	17	"
"	102.26	"
"	102.27	"
"	19	"
"	102.28	"
"	102.29	"
"	21	"
"	102.30	"
"	102.31	"
"	23	"
"	102.32	"
"	102.33	"
"	25	"
"	102.34	"
"	102.34	"
"	27	"
"	102.35	"
"	102.36	"
"	29	"
"		"
"	31	"
"	32	"
30	102.36	30

HOLMES AVE. 60 FT. WD.



- REQUESTED TEMPORARY CLOSURE

(FOR OFFICE USE ONLY)

CARTO 5 A

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
05-20-14					

REQUEST TO TEMPORARY CLOSE
 THE EAST/WEST PUBLIC ALLEY, 16 FT. WD.
 IN THE BLOCK BOUND BY
 WARREN W., PROCTOR, HOLMES
 AND CENTRAL AVE.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 235



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

Date: April 29, 2014

Dear Petitioner, Brooksey, LLC
7625 West Warren Ave
Detroit, Mi 48210

It has come to the attention of the City of Detroit, Department of Public Works, City Engineering Division (CED) that Petition No. 2162 approved on 7/15/2008 for a request for Temporary Closure of a certain right-of-way has expired. At this time CED is informing said property owner and/or petitioner that the temporary closure needs to be renewed by petitioning Detroit City Council or the street/alley needs to be re-opened immediately. If CED has not received any response to this notice within 30 days of the above date, CED will remove all structures and restore the right-of-way to CED's satisfactory condition at the expense of the property owner or petitioner per the approved resolution on file. If there are any questions please contact the Survey Bureau at 313-224-3970 from 8:00am to 4:00pm Monday through Friday for answers.

Sincerely,

Richard T. Doherty, P.E.
City Engineer
City of Detroit/DPW
Engineering Division

PETITION FOR CONVERSION OF ALLEY TO EASEMENT
 Detroit, MI

DETOIT
 CITY CLERK

Date NOV 13 2007 3:30 PM

TO THE HONORABLE CITY COUNCIL:

Gentlemen: We, the undersigned owners of the property abutting the alley:

BETWEEN W. WARREN AVE. & HOLMES ST. AND BETWEEN PROCTOR ST. AND CENTRAL
 Location of Alley

do respectfully petition your Honorable Body to vacate said alley and convert same into a public easement.

Further, the undersigned representing not less than two-thirds (66-2/3%) ownership of property abutting said alley hereby agree that all existing utilities in said alley are to remain in their present location, and that if at any time in the future a request is made to remove or relocate any existing poles or other utilities in the easement, the property owners making such request and upon whose property the pole or other utilities are located will pay all costs incurred in such removal or relocation unless such charges are waived by the utility owners.

We do further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon the easement or any part thereof, so that said easement shall be forever accessible for maintenance of utilities.

SPONSORING PETITIONER BROOKSEY LLC 7625 W. WARREN AVE (313) 617-6195
 (Name) (Address) (Phone No.)
DETROIT, MI 48210

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
		<i>[Signature]</i>	7606 Holmes	11-8-07
			VACANT LOT	
			VACANT LOT	
			VACANT LOT	
			VACANT LOT	
			VACANT LOT	
		<i>[Signature]</i>	7562 Holmes	11/07/07
		<i>[Signature]</i>	7556 Holmes Detroit	11/06/07

(Over)

224-3970
 Jim Adoll

11 AM

3:24 AM

5:23 PM

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
	<i>[Signature]</i>		7552 Holmes	11-9-07
	<i>[Signature]</i>		7546 HOLMES	11-7-07
	<i>[Signature]</i>		7544 HOLMES	11-7-07
	<i>[Signature]</i>		7540 HOLMES	11-7-07
			7534 HOLMES	
	<i>[Signature]</i>		7528 HOLMES	11-7-07
	<i>[Signature]</i>		VACANT LOT 7522 HOLMES	11-7-07
			VACANT LOT	
			VACANT LOT	
			1734-1746-8327 7510 HOLMES VACANT HOUSE	
			7501 W. WARREN	
			VACANT Bldg. 7507 W. WARREN	
			VACANT Bldg. VACANT LOT	
			7521 W. WARREN	
			VACANT 3 Bldgs.	
			VACANT 3 Bldgs.	
			VACANT Bldg. 721-1217	
		<i>[Signature]</i>	7538 W. WARREN	11-10-07
			VACANT LOT OPEN ALLEY ENTRANCE	
			VACANT LOT	
			VACANT LOT	
			7601 W. WARREN	
	<i>[Signature]</i>	<i>[Signature]</i>	VACANT 2 Bldgs. 7601-7625 W. WARREN	11-6-2007
			7641 W. WARREN	
			VACANT LOT	