

DEPARTMENTAL REFERENCE COMMUNICATION

Tuesday, May 20, 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

252 *Twelfth Street Missionary Baptist Church, request permission to convert Idaho Avenue between Midland Avenue and Pear Avenue to an easement. (Related to Petition #0702)*

Twelfth Street Missionary Baptist Church

1840 Midland Avenue, Detroit, MI 48238

Office: (313) 868-2659 Fax (313) 868-1803 Email: tsmbc@att.net

Rev. Floyd A. Davis, Pastor

#252



DEACONS

Charley Harris
Walter McCullough
Jesse Phillips
Charles Price
Andre Woods

May 7, 2014

Dear Honorable City Council:

TRUSTEES

Bobby Cooper
James Lind
Emerson Banks, Jr.
Floyd Crawford
Jeanette Funderberg
Floyd McMurty
Terrance McSwain
Barbara Henry
Deborah Pettus-Bluford
Timothy Smith
Deamous Underwood
Calvin Wellington

Greetings in the name of our Lord and Savior Jesus Christ!

In 2007, in Petition No. 0702, the "Twelfth St. Missionary Baptist Church" whose address is 1840 Midland Avenue, Detroit, MI 48238 was granted approval, by the Detroit City Council, to temporarily close Idaho Avenue between Midland Avenue and Pear Avenue in order to prevent illegal dumping and other illegal activities. It has come to our attention that the temporary closure has expired. At this time we are petitioning for a request to convert to easement.

13 MAY 14 2:56 PM

There are a few businesses still operating in this area. We have met with each of them and all are in agreement with this decision. The City of Detroit will still be able to enter said area whenever necessary.

--CITY CLERK--

Church Clerk
Starr Martin

Church Secretary
Verna Harris

Financial Secretary
Melanie Ruffin Leavy

In His Name,

Terrance J. McSwain
Board of Trustees



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 601
DETROIT, MICHIGAN 48226
PHONE: (313) 224-3949 • TTY: 711
FAX: (313) 224-3471
WWW.DETROITMI.GOV

December 14, 2015

Honorable City Council:

RE: Petition No. 252, Twelfth Street Missionary Baptist Church, request permission to convert Idaho Avenue between Midland Avenue and Pear Avenue to an easement.

Petition No. 252 – Twelfth Street Missionary Baptist Church, request to vacate and convert to easement Idaho Avenue, 60 feet wide from Midland Avenue, 60 feet wide, to Pear Avenue, 30 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

BY COUNCIL MEMBER _____

WHEREAS, The previous petition # 0702 to temporarily close Idaho Avenue, 60 feet wide from Midland Avenue, 60 feet wide, to Pear Avenue, 30 feet wide. was granted by City Council on February 14, 2007 (J.C.C. pages 353-354), 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 Twelfth Street Missionary Baptist Church at 1840 Midland Avenue, Detroit MI, 48238 to close the Idaho Avenue, 60 feet wide from Midland Avenue, 60 feet wide, to Pear Avenue, 30 feet wide, also to close Pear Avenue, 30 feet wide, from Idaho Avenue to the north-south public alley, 18 feet wide, first west of Idaho Avenue all being further described as follows: Idaho Avenue, 60 feet wide from the south line of Pear Avenue, 30 feet wide, to the south line of Midland Avenue, 60 feet wide, and lying easterly of and adjoining the easterly line of Lots 89 through 126, both inclusive, and Pear Avenue adjoining said Lot 126, also lying westerly of and adjoining the westerly line of Lots 139 through 177, both inclusive and that part of Lot 138 lying north of the south line of Pear Avenue, 30 feet wide “Robert Oakman’s Everitt “30” Subdivision of part of the South West $\frac{1}{4}$ of Section 14, T.1S.,R.11E. Greenfield Twp. Wayne County, Michigan” as recorded in Liber 27, Page 10 of Plats, Wayne County Records; also Pear Avenue, 30 feet wide from Idaho Avenue to the north-south public alley, 18 feet wide, first west of Idaho Avenue lying southerly of and adjoining the southerly line of Lot 126 and lying northerly of and adjoining the northerly line of Lot 128 (said Lot 128 part of the Plat vacated by order of Circuit Court, File 63576 Liber 1069, Page 57 on March 20, 1916) “Robert Oakman’s Everitt “30” Subdivision of part of the South West $\frac{1}{4}$ of Section 14, T.1S.,R.11E. Greenfield Twp. Wayne County, Michigan” as recorded in Liber 27, Page 10 of Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on January 1, 2021;

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 street closing; and

PROVIDED, the property owned by the petitioner and adjoining the temporary public street closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the street; 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 streets, 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 the fenced areas are kept clear of overgrowth so that maintenance trucks can access lighting material and a joint locking arrangement is made to interconnect with a standard Public Lighting Department (PLD) padlock for full PLD access; and

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/or 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 further

PROVIDED, that where a fence is placed across the temporarily closed portion of a street/alley, then a gate must be installed to permit access for DWSD forces. The gate shall remain unlocked 24 hours a day unless a guard is stationed near the gate to allow

DWSD ingress and egress at any time to the temporarily closed street. The minimum dimensions of the gates shall provide 15 foot vertical and 13 foot horizontal clearances for freedom of DWSD equipment movement; and further

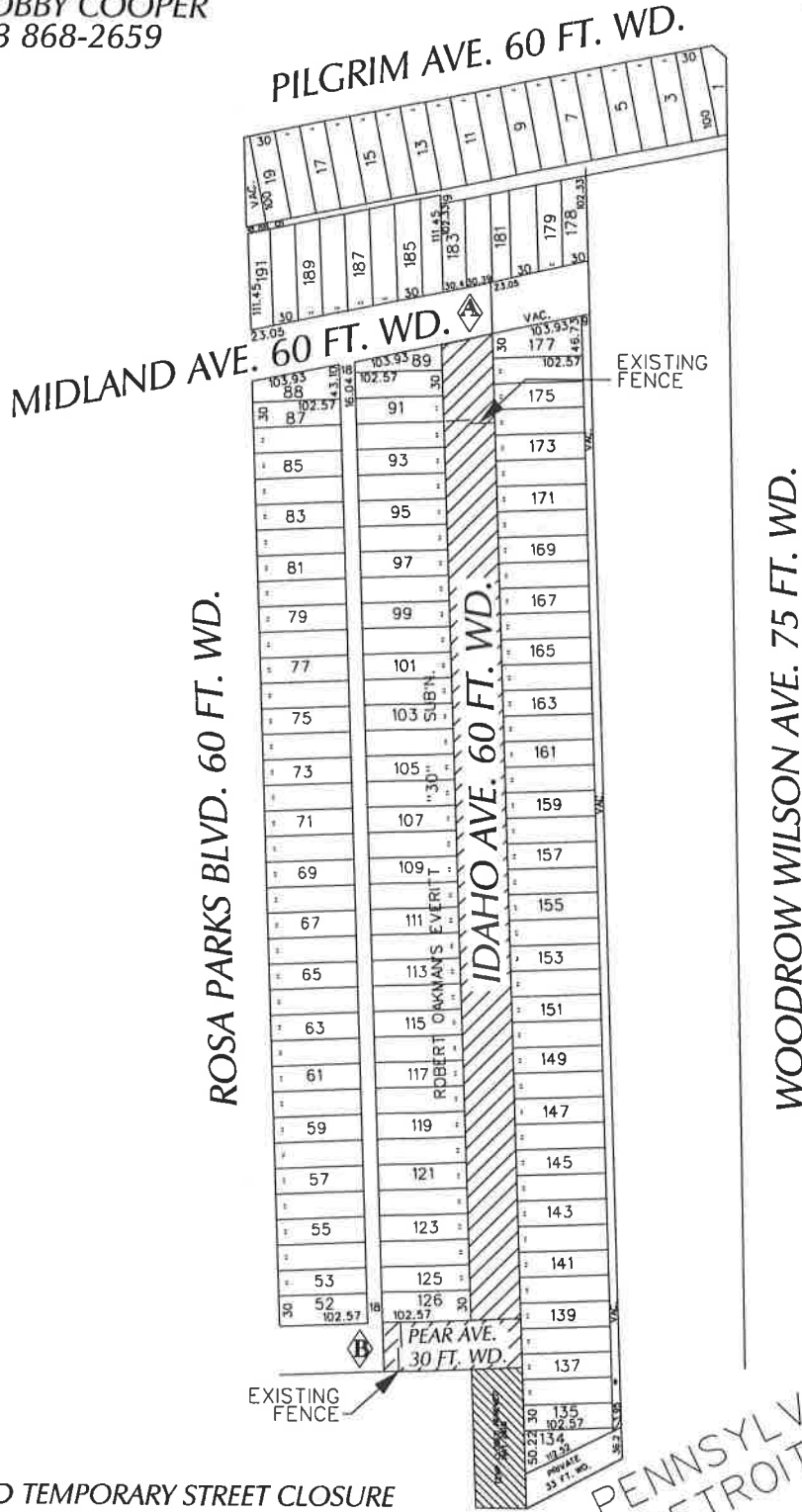
PROVIDED, that should the water main and /or sewer facilities be broken or damaged as a result of any action on the part of the petitioner or assigns, then in such event the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damaged water main and appurtenances,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

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. 252
 TWELFTH STREET MISSIONARY BAPTIST CHURCH
 1840 MIDLAND AVE.
 DETROIT, MICHIGAN 48238
 C/O TRUSTEE BOBBY COOPER
 PHONE NO. 313 868-2659



"REVISED"

PENNSYLVANIA
 DETROIT R.R.

 - REQUESTED TEMPORARY STREET CLOSURE

(FOR OFFICE USE ONLY)

CARTO 25 F

B	REVISED- EXTENDING TEMPORARY STREET CLOSING TO PEAR AVE.	WLW	KSM	KSM	10/15/15
A	REVISED- CHANGE FROM COMMISSION TO PERMIT TO TEMPORARY STREET CLOSING	WLW	KSM	KSM	10/06/15
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	CHECKED				
WLW					
DATE	APPROVED				
08-21-14					

REQUESTED TEMPORARY STREET CLOSURE
 IDAHO AVE., 60 FT. WD. AND A
 PORTION OF PEAR AVE., 30 FT. WD.
 IN THE BLOCK BOUND BY
 ROSA PARKS BLVD., MIDLAND, WOODROW WILSON AVE.
 AND PENNSYLVANIA DETROIT R.R.

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01
DRWG. NO. X 252