



CITY OF DETROIT
CITY ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS

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April 6, 2015

Honorable City Council:

RE: Petition No. 271, Resurrection Lutheran Church Missouri Synod, request to renew petition to temporarily close the alley behind the church property located at 20531 Kelly Rd. between Carlisle and Collingham Drive, originally closed in 1964. (Reference petition #7112)

Petition No.271 - Resurrection Lutheran Church Missouri Synod, request to renew the temporary closure of the north-south public alley, 20 feet wide, in the block of Collingham Drive, 60 feet wide, Carlisle Drive, 60 feet wide, Cushing Avenue, 86 feet wide and Kelly Road, 204 feet wide.

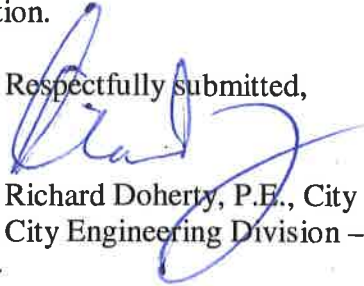
The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

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

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 petitions to temporarily close the north-south public alley, 20 feet wide, in the block of Collingham Drive, 60 feet wide, Carlisle Drive, 60 feet wide, Cushing Avenue, 86 feet wide and Kelly Road, 204 feet wide have been granted by City Council, and

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

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue a permit to Resurrection Lutheran Church whose address is 20531 Kelly Road, Detroit, MI 48225 or their assigns to temporary close the north-south public alley, 20 feet wide, in the block bounded by Collingham Drive, 60 feet wide, Carlisle Drive, 60 feet wide, Cushing Avenue, 86 feet wide and Kelly Road, 204 feet wide; and described as land in the City of Detroit, Wayne County, Michigan being the public alley, 20 feet wide, lying westerly of and adjoining the West line of Lots 72 through 87, both inclusive, and lying easterly of and adjoining the East line of Lots 186 and 231 “Ternes Superhighway Subdivision of Fractional Section 5, T.1S.,R13E. City of Detroit, Wayne County, Michigan” as recorded in Liber 61, Page 72 of Plats, Wayne County Records; on a temporary basis for five (5) years to expire May 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.

