

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

April 10, 2015

Honorable City Council:

RE: Petition No. 276, Calhoun & Di Ponio, PLC, request for renewal of temporary closure of Hildale Street between the railroad right-of-way and Filer Street. (Related to Petition 1916)

Petition No. 276, Calhoun and Di Ponio, PLC on behalf of PTI QCS Realty, LLC for renewal of the temporary closure of Hildale Avenue, 60 feet wide, from the north-south public alley, 16 feet wide, first east of Filer Avenue, 50 feet wide, eastward 217 feet, more or less to the Michigan Central Railroad Right-of-way.

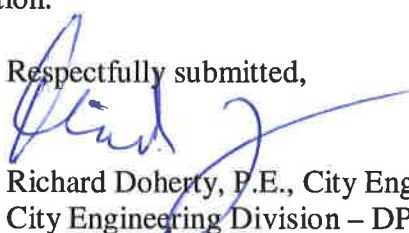
The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request is a renewal of an existing closure that has no record of objections. The request is being made to facilitate the operations of PTI Quality Containment Solutions, LLC, an automotive supply and servicing company.

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 to temporarily close Hildale Avenue, 60 feet wide, being petition no.1916 approved May 4, 2005 (J.C.C. pages 1285-89) was 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 Calhoun and Di Ponio and/or PTI QCS Realty, LLC or their assigns to temporary close Hildale Avenue, 60 feet wide, from the east line of the north-south public alley, 16 feet wide, first east of Filer Avenue, 50 feet wide to west line of the Michigan Central Railroad Right-of-way and described as land in the City of Detroit, Wayne County, Michigan being Hildale Avenue, 60 feet wide, a dedicated part of the northwest ¼ of Section 9, T.1S.,R.12E. Commencing at the southeast corner of Lot 199 “Livingstone Heights Subdivision of part of the W.1/2 of the E.1/2 of the N.W. ¼ of Section 9, T1S.R12E., Hamtramck Township, Wayne County, Michigan” as recorded in Liber 35, Page 60 of Plats, Wayne County Records; thence S89°50’30”E 16 feet to the Point of Beginning; thence S89°50’30”E 216.92 feet; thence S00°46’30”E 60.00 feet; thence N89°50’30”W 217.20 feet; thence N00°46’30”W 60.00 feet to the point of beginning; on a temporary basis for (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 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 street closing, and

PROVIDED, That no buildings or other structures of any nature whatsoever (except necessary line fence), shall be constructed on or over the public right-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 right-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 right-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 street, 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.

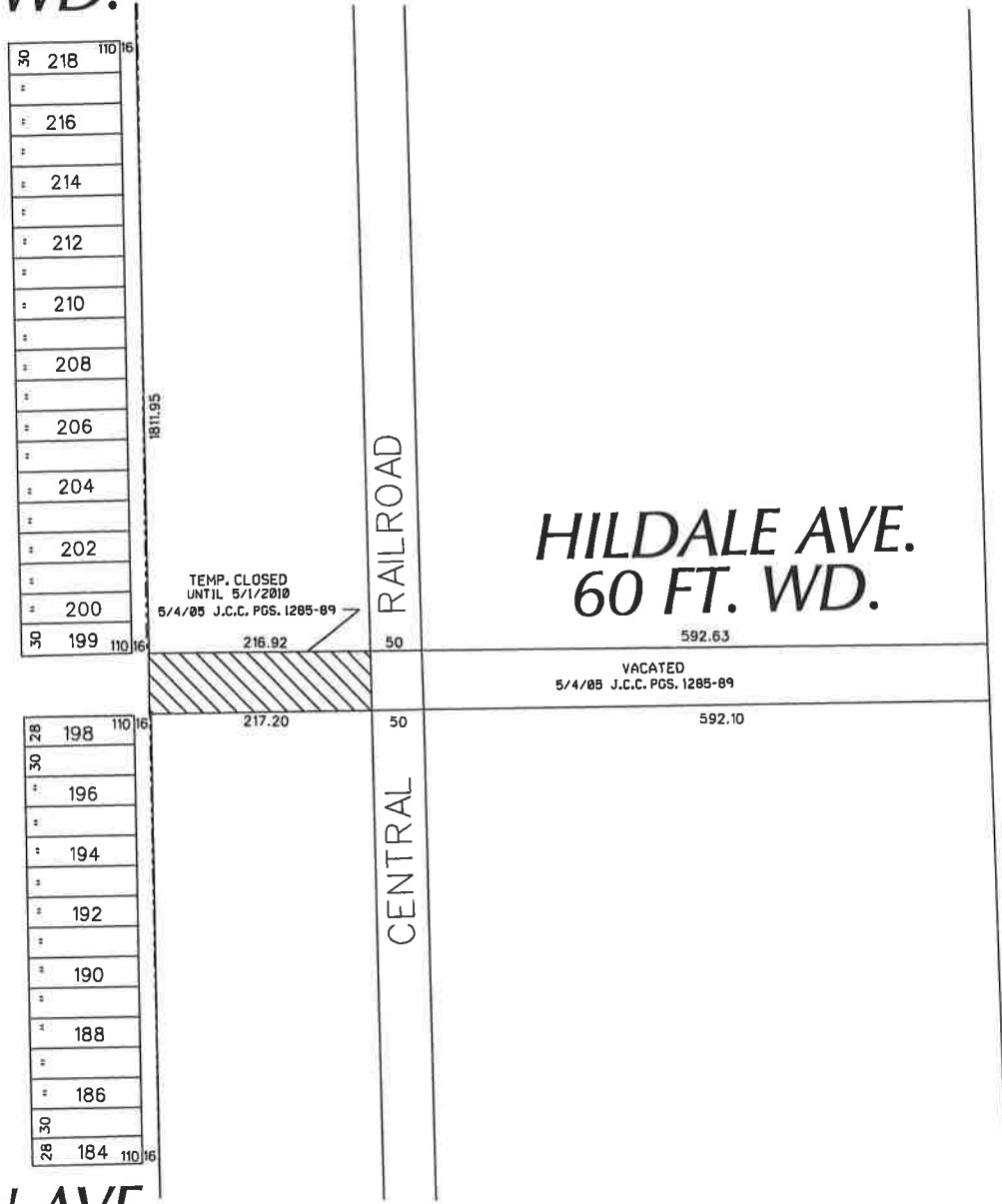
PETITION NO. 276
 CALHOWN & DI PONIO, PLC
 29828 TELEGRAPH RD.
 SOUTHFIELD, MICHIGAN 48034
 C/O TONY F. Di PONIO, PLC
 PHONE NO. 248 228-2200



**ROBINWOOD AVE.
 60 FT. WD.**

FILER AVE. 50 FT. WD.

SHERWOOD AVE. 66 FT. WD.



**HILDALE AVE.
 60 FT. WD.**

**STOCKTON AVE.
 60 FT. WD.**

- RENEWAL OF TEMPORARY STREET CLOSURE

(FOR OFFICE USE ONLY)

CARTO 53 B

B					RENEWAL OF TEMPORARY STREET CLOSURE A PORTION OF HILDALE AVE. 60 FT. WD. BETWEEN FILER AND SHEWOOD AVE.		CITY OF DETROIT CITY ENGINEERING DEPARTMENT																								
A							SURVEY BUREAU																								
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