



CITY OF DETROIT
CITY ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS

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March 4, 2015

Honorable City Council:

RE: Petition No. 359 – Detroit Housing Commission, request permission to install a chain link fence around the undeveloped portion of the Gardenview Estates site, which will temporarily enclose the public streets.

Petition No. 359 – Detroit Housing Commission request for the temporary closure of eight streets within the development known as Gardenview Estates:

- 1) Abington Avenue, 60 feet wide from Tireman Avenue to Constance Avenue.
- 2) Memorial Avenue, 60 feet wide from Tireman Avenue to Constance Avenue.
- 3) Clayburn Avenue, 60 feet wide from Tireman Avenue to Gardenview Circle.
- 4) Rutland Avenue, 60 feet wide, from Tireman Avenue to Longacre Avenue.
- 5) Longacre Avenue, 60 feet wide, from Tireman Avenue to Gardenview Circle.
- 6) Benton Avenue, 60 feet wide, from Longacre Avenue to Grandmont Avenue.
- 7) Constance Avenue, 60 feet wide, from Longacre Avenue to Clayburn Avenue.
- 8) Gardenview Circle, 70 feet wide, from Longacre Avenue to Memorial Avenue.

The request is being made to meet requirements of the Department of Environmental Quality (DEQ) to receive full approval of the Documentation of Due Care Compliance. The closed area will be fenced off to prevent pedestrians from entering the site and having contact with contaminated soils.

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

All involved City departments and privately owned utility companies have reported no objections to the temporary closure of these streets, 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 temporary closure of the streets will ensure compliance with the Department of Environmental Quality; and allow the continued development of the former Herman Gardens public housing site, now known as Gardenview Estates; **therefore be it**

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue a permit to Detroit Housing Commission to temporary close the following public rights-of-way dedicated to the City of Detroit on April 11, 2007 as recorded in the Journal of City Council on Pages 810 thru 818. The streets are described as follows:

Abington Avenue, 60 feet wide from the north line of Tireman Avenue, 103 feet wide, to the south line of Constance Avenue, 60 feet wide; also Memorial Avenue, 60 feet wide from the north line of Tireman Avenue, 103 feet wide, to the south line of Constance Avenue, 60 feet wide; also Clayburn Avenue, 60 feet wide, from the north line of Tireman Avenue, 103 feet wide, to the south line of Gardenview Circle, 70 feet wide; also Rutland Avenue, 60 feet wide, from the north line of Tireman Avenue, 103 feet wide, to the southeast line of Longacre Avenue, 60 feet wide; also Longacre Avenue, 60 feet wide, from the north line of Tireman Avenue, 103 feet wide, to the southwest line of the southerly part of Gardenview Circle, 70 feet wide; also Benton Avenue, 60 feet wide, from the east line of Longacre, 60 feet wide, to the west line of Grandmont Avenue, 60 feet wide; also Constance Avenue, 60 feet wide, from east line of Longacre Avenue, 60 feet wide to the west line of Clayburn Avenue, 60 feet wide; also the southwest part of Gardenview Circle, 70 feet wide, from the southeast line of Longacre, 60 feet wide to the west line of Memorial Avenue, 60 feet wide. The described streets are closed on a temporary basis until the remediation work is completed, the fences removed and the streets are reopened, or until April 1, 2020 when these closures shall expire.

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 closures.

PROVIDED, the property owned by the petitioner and adjoining the temporary public street closings shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the streets; 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 closings, 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 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 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 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 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

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.

