



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

April 8, 2016

Honorable City Council:

RE: Petition No. 454 – Titan Coatings request for a five year extension temporary closing of the alley located at the northerly part of the north-south alley in the block bounded by Canton, Helen, Palmer and E. Grand Blvd.

Petition No. 454 – Titan Coatings International LLC. request for a renewal of a temporary closure for the north part of the north-south alley, 18 feet wide, and revised to also include all of the remaining open public alleys in the block bounded by Palmer Avenue, 60 feet wide, East Grand Boulevard, 150 feet wide, Canton Avenue, 60 feet wide and Helen Avenue, 60 feet wide.

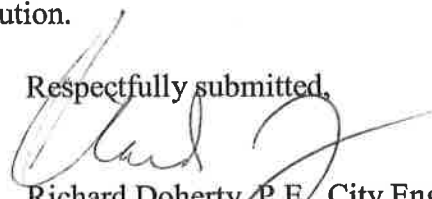
The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request is being made to maintain security and to prevent illegal dumping for the property owners adjoining the alley. The northerly part of the north-south alley was previously approved as a temporary closure by petition no. 3881 on February 5, 1986 on J.C.C. pages 198 -199.

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, Titan Coatings International, LLC. has complied with the terms, conditions and restrictions of the Detroit City Council resolution of Petition number 3881, to temporarily close the north part of the north-south alley, approved by your Honorable Body on February 5, 1986 (Journal of City Council pages 198 and 199), now therefore be it

RESOLVED, The City Engineering Division – DPW is hereby authorized and directed to issue permits to Titan Coatings International, LLC. at 1497 East Grand Boulevard, Detroit, Michigan 48211 to close the north south alley, 18 feet wide and the east-west alley, 20 feet wide in the block bounded by Palmer Avenue, 60 feet wide, East Grand Boulevard, 150 feet wide, Canton Avenue, 60 feet wide and Helen Avenue, 60 feet wide and being more particularly described as: north-south alley, 18 feet wide lying easterly of and adjoining the easterly line of Lots 38 through 43, both inclusive and Lot C, also lying westerly of and adjoining the westerly line of Lot D and Lots 8 through 13, both inclusive, plus the east-west alley, 20 feet wide lying northerly of and adjoining the northerly line of Lot D and lying southerly of and adjoining the southerly line of Lots 5, 6, 7 and the easterly 25 feet of Lot 4 “James Gambles Subdivision of part of Lot 9 and 10 Private Claim 573, North of Gratiot Avenue, Detroit, Wayne County, Michigan” as recorded in Liber 14, Page 67 of Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on May 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 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.

