



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  
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May 12, 2015

Honorable City Council:

**RE: Petition No. 450, Cadillac Ace Hardware, request to renew the temporary closing of a (R.O.W.) located at 2497 W. Davison, MI, 48238 which is expired as of September 2014.**

Petition No. 450 – Cadillac Ace Hardware, request to renew the temporary closure of the east-west public alley, 18 feet wide, in the block of Waverly Avenue, 50 feet wide, Davison Avenue, 120 feet wide, Linwood Avenue, 86 feet wide and LaSalle Avenue, 80 feet wide.

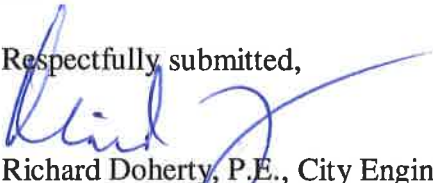
The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request is a renewal of an existing closure that has no record of objections. The request is being made to maintain security 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

**Michael Duggan. MAYOR**

BY COUNCIL MEMBER \_\_\_\_\_

WHEREAS, The previous petition # 3427 to temporarily close the east-west public alley, 18 feet wide, in the block of Waverly Avenue, Davison Avenue, Linwood Avenue and LaSalle Avenue was granted by City Council on October 6, 2009 (J.C.C. pages 2220-2222), 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 Cadillac Ace Hardware whose address is 2497 W. Davison, Detroit, MI, 48226 or their assigns to temporarily close the east-west public alley, 18 feet wide, in the block of Waverly Avenue, 50 feet wide, Davison Avenue, 120 feet wide, Linwood Avenue, 86 feet wide and LaSalle Avenue, 80 feet wide, and described as land in the City of Detroit, Wayne County, Michigan being the public alley, 18 feet wide, lying northerly of and adjoining the North line of Lots 157 through 172, both inclusive, also lying southerly of and adjoining the South line of Lots 173 through 188, both inclusive “Robert Oakman’s Indiandale Subdivision on the N.W.1/4 of ¼ Section 14, 10,000 Acre Tract, Greenfield Township, Wayne County, Michigan” as recorded in Liber 34, Page 91 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.

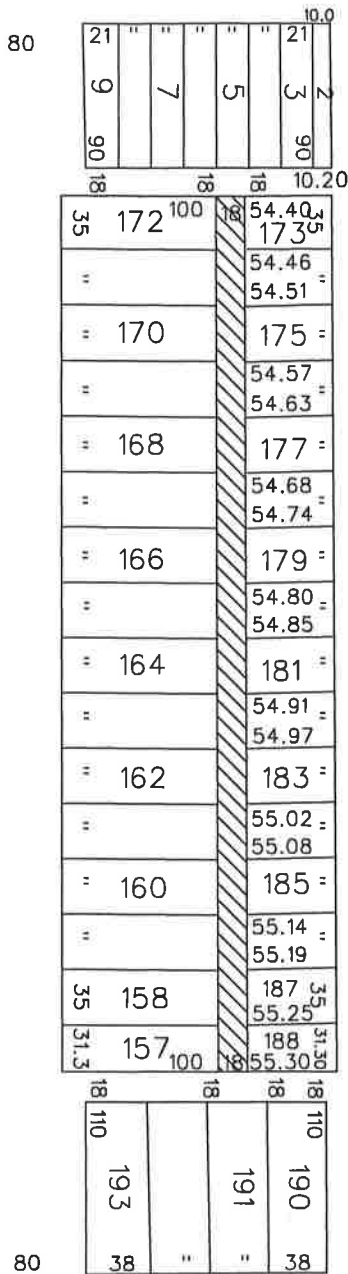
PETITION NO. 450  
 CADILLAC ACE HARDWARE  
 2497 W. DAVISON AVE.  
 DETROIT, MICHIGAN 48238  
 C/O DALTON BROWN  
 PHONE NO. 313 215-0693

LINWOOD AVE. 86 FT. WD.



WAVERLY AVE. 50 FT. WD.

DAVISON AVE. 120 FT. WD.



LASALLE AVE. 80 FT. WD.



- RENEWAL OF TEMPORARY ALLEY CLOSURE

(FOR OFFICE USE ONLY)

CARTO 23 A

<b>B</b>					
<b>A</b>					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	WLW	CHECKED			
DATE	02-16-15	APPROVED			

RENEWAL OF TEMPORARY ALLEY CLOSURE  
 THE EAST-WEST PUBLIC ALLEY  
 18 FT. WD. IN THE BLOCK BOUND BY  
 LASALLE, WAVERLY, LINWOOD  
 AND DAVISON AVE. W.

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU  
 JOB NO. 01-01  
 DRWG. NO. X 450