



July 18, 2018

Honorable City Council:

RE: Petition No. 1847 - XLNC INVEST LLC, request to temporarily close two alleys in the area of 11345 - 11385 Greenfield Rd.

Petition No. 1847 of XLNC INVEST LLC, request for the renewal of the temporary closure of the north-south public alley, 18 feet wide (previously closed on a temporary basis by a resolution adopted on November 20, 2012 J.C.C. pages 2300-01); also the east-west public alley, 18 feet wide, all in the block of Elmira Avenue, 60 feet wide, Plymouth Avenue, 86 feet wide, Winthrop Avenue, 60 feet wide, and Greenfield Avenue, 106 feet wide.

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

The last petition (#2224) to temporarily close the referenced north-south alley was granted by City Council on November 20, 2012 J.C.C. pages 2300-01 for a period of 5 years has expired. The property owner at 11245 - 11385 Greenfield uses the alleys as access to parking for the apartments and wishes to provide safe secure access and prevent illegal dumping in the alleys.

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.

There is an appropriate resolution, containing the necessary conditions, attached for consideration by your Honorable Body.

Respectfully submitted,

Richard Doherty, P.E., City Engineer
City Engineering Division - DPW

JK/

Cc: Ron Brundidge, Director, DPW
Mayor's Office - City Council Liaison

BY COUNCIL MEMBER _____

Whereas, the Petitioner/abutting property owner(s) have abided by all the conditions set forth in previous resolution adopted on November 20, 2012, J.C.C. pages 2300-01; and will be held to the same conditions and provisions set in the previously granted Council resolution; therefore be it

RESOLVED, that the City Engineering Division - DPW is hereby authorized and directed to issue permits to XLNC INVEST LLC to close north-south public alley, 18 feet wide (previously closed on a temporary basis by a resolution adopted on November 20, 2012 J.C.C. pages 2300-01); also the east-west public alley, 18 feet wide, all in the block of Elmira Avenue, 60 feet wide, Plymouth Avenue, 86 feet wide, Winthrop Avenue, 60 feet wide, and Greenfield Avenue, 106 feet wide, and described as: north-south public alley, 18 feet wide lying east of and adjoining the east line of Lots 123 through 155, both inclusive, and lying west of and adjoining the west line of Lots 166 through 184, both inclusive; also the east-west public alley, 18 feet wide, lying north of and adjoining the north line of Lots 155 and 166 and the alley between said Lots, and lying south of and adjoining the south line of Lots 156 through 165, both inclusive, all the above in "Frischkorn's Dynamic Subdivision being part of the North East ¼ of Section 36, T.1S.,R.10E., Redford Township (now City of Detroit) Wayne County, Michigan" as recorded in Liber 48, Page 66, Plats, Wayne County Records; on a temporary basis for a period of five (5) years to expire September 1, 2023.

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 further

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 further

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 further

PROVIDED, No buildings or other structures of any nature whatsoever (except necessary barricades), 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 further

PROVIDED, that 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 further

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 further

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 further

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. 1847
 YOSSI LEVY
 16814 LAHSER RD, SUITE 115
 DETROIT, MICHIGAN 48219
 PHONE NO. 313 690-1013
 ylevy@morethanfinance.co.il

REVISED

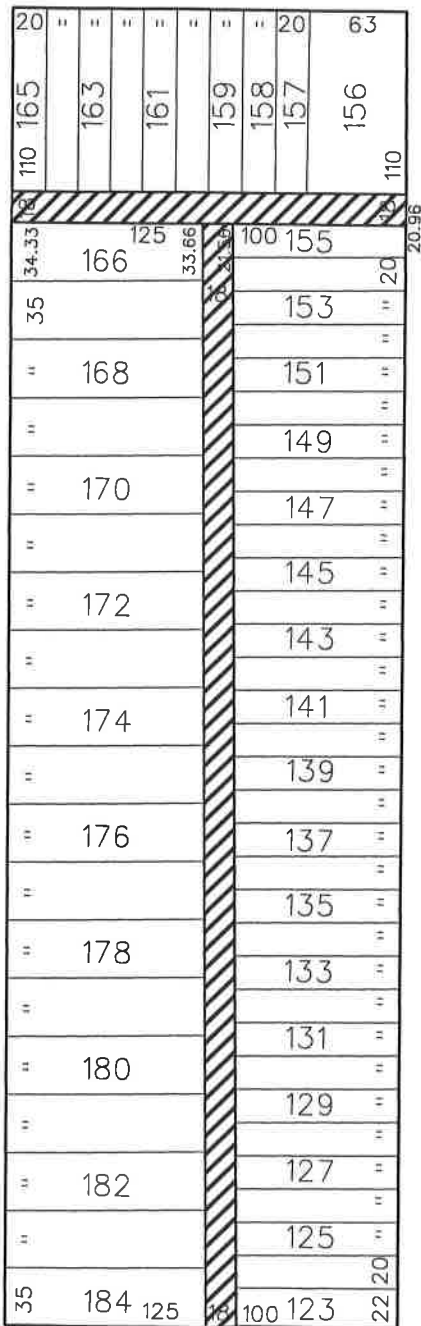


PLYMOUTH AVE. 86 FT. WD.

WINTHROP AVE. 60 FT. WD.

GREENFIELD AVE. 106 FT. WD.

ELMIRA AVE. 60 FT. WD.



- REQUEST TEMPORARY CLOSURE

(FOR OFFICE USE ONLY)

CARTO 100 A

B					
A	E-W ALLEY TO TEMP. CLOSE	JK		6-11-18	
	DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY	JK	CHECKED			
DATE	6-11-18	APPROVED			

REQUEST TEMPORARY CLOSURE OF
 THE N/S 18 FT. WD. ALLEY
 ALSO THE E/W 18 FT. WD. ALLEY
 ALL IN THE BLOCK BOUNDED BY ELMIRA,
 PLYMOUTH, WINTHROP AND GREENFIELD

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU
 JOB NO. 01-01
 DRWG. NO. X1847.dgn