April 11th, 2023

Honorable City Council:

RE: Petition Number x2023-119 – Catholic Archdiocese, request for the temporary closure of Cambridge Avenue for a period of five (5) years.

Petition Number x2023-119 – Catholic Archdiocese, request for the temporary closure of Cambridge Avenue, 50 ft. wide, for a period of five (5) years.

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

The purpose of this request is to improve traffic management related to the U of D Jesuit High School at 8400 South Cambridge Avenue. The proposal to close Cambridge Avenue was first considered under petition x540 in 2015. The original petition requested the vacation of Cambridge Avenue but was changed to a temporary closure during the utility review. Petition x540 was approved by Your Honorable Body on June 16th, 2015, for a length of 5 years, to expire on June 1st, 2020. Upon approved two concrete barriers were placed on Cambridge Avenue east of the alley approach. Also installed was a sign indicating “No Thru Traffic”.

In August of 2022 the Department of Public works received a citizen complaint regarding the expired Cambridge Avenue closure and a request to re-open the right of way. At that the Department of Public Works made communication with administrative staff at the U of D Jesuit High School instructing them to petition for an extension of the closure or to re-open the right of way. By January of 2023 the U of D Jesuit High School had received several notices with instruction to petition for extension or re-open the right of way. On January 10th, 2023, the Department of Public Works received application from the U of D Jesuit High School formally requesting an extension on the Cambridge Avenue closure. On January 26th, 2023, the Department of Public Works ordered the Street Maintenance Division to remove the concrete barriers that the U of D Jesuit High School placed within Cambridge Avenue.

In the review of the application to extend the closure of Cambridge Avenue the Department of Public Works received input from public citizens residing on property between West Outer Drive and West 7 Mile on Ohio Street and Cherrylawn Street. One (1) citizen is on record objecting to the request to extend closure. Included in the application packet was a petition form for the collection of supporting signatures from adjacent owners. On the petition form there were fifty-two (52) signatures collected out of the fifty-nine (59) adjacent properties. In review of the signatures a total of eleven (11) signatures could be verified as the matching signature to the property owner. Forty-one (41) signatures did not match the name of the owner on record.

All other city departments and utilities have reported no objections to the temporary closure, 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.

The Department of Public Works has prepared the attached resolution to be considered by Your Honorable Body.

Respectfully submitted,

 Richard Doherty, P. E., City Engineer

 City Engineering Division – DPW

Cc: Ron Brundidge, Director – DPW

 Mayor’s Office – City Council Liaison

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

**RESOLVED**, The City Engineering Division – DPW is hereby authorized and directed to issue permit for the temporary closure of the public right-of-way, further described as:

Cambridge Avenue, lying southerly of and adjacent to lot 548 and northerly of and adjacent to lot 549 of “Chester Heights Subdivision” as recorded in Liber 42, Page 49 of Plats, Wayne County Records.

PROVIDED, That the petitioner shall file with the Finance Department and/or City Engineering Division – DPW an indemnity agreement in the form approved by the Law Department. The agreement shall save and protect the City of Detroit 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 Appels Grant) over the total width and length of the street; and

PROVIDED, No building or other structures of any nature whatsoever 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 temporary 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 temporary 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, This resolution does not permit the storage of materials, displays of merchandise or signs within the temporary 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 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.