



**DEPARTMENT OF PUBLIC
WORKS**

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September 26, 2024

Honorable City Council:

RE: Petition Number x2024-342 – JS Property, LLC request for the temporary closure of the west portion of the east-west public alley, 20 feet wide, in the block bounded by Hessel Avenue, Eight Mile Road, Biltmore Avenue and Ferguson Avenue for a period of five (5) years

Petition Number x2024-342 – JS Property, LLC request for the temporary closure of the west portion of the east-west public alley, 20 feet wide, in the block bounded by Hessel Avenue, 60 feet wide, Eight Mile Road, 204 feet wide, Biltmore Avenue, 60 feet wide, and Ferguson Avenue, 60 feet wide for a period of five (5) years.

The request is being made to maintain security and to prevent illegal dumping for the existing business.

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

All other city departments and utilities have reported no objections to the temporary closure, provided they always have the right to ingress and egress 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

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:

The west end of the east-west public alley, 20 feet wide, lying southerly of and adjacent to lots 1154, 1155, 1156, 1157, 1158, 1159, 13.8 feet of lot 1160 and lying northerly of and adjacent to lot 978 of the “Madison Park Subdivision” as recorded in Liber 53 Page 12 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 Appeals Grant) over the total width and length of the street; and

PROVIDED, no building or other structures of any nature whatsoever, including, but not limited to, concrete slabs or driveways, retaining or partition walls, line fences or gates, 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

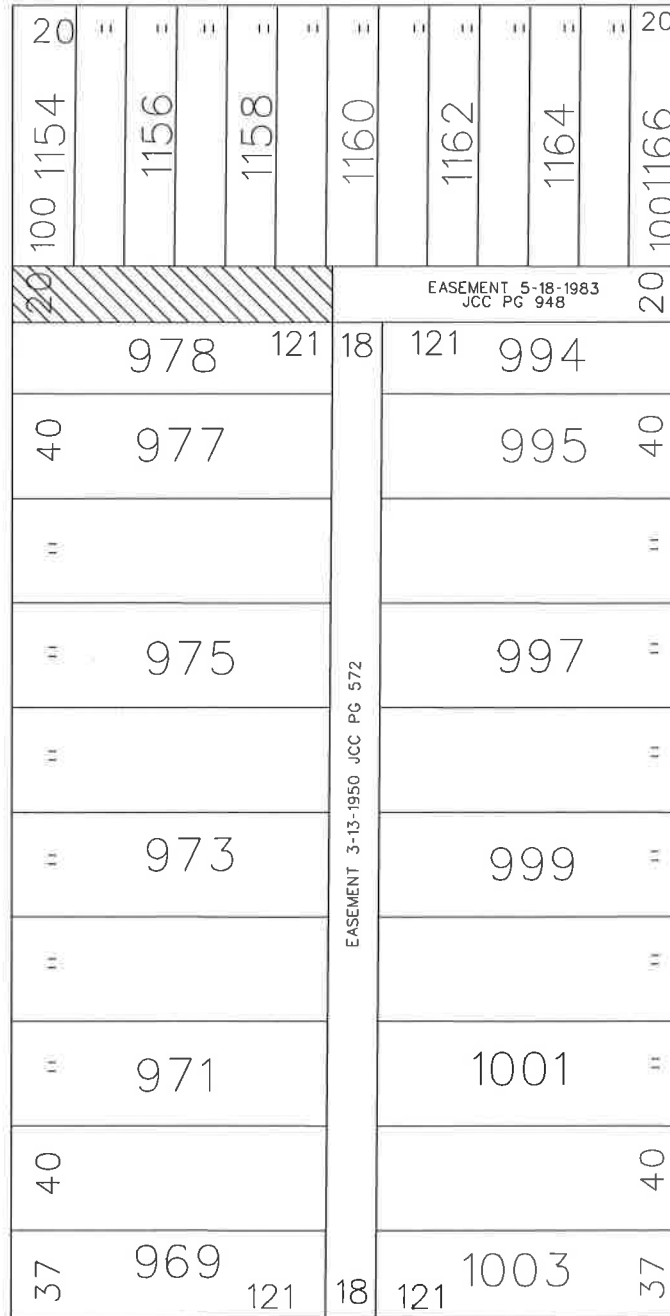
PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

MAP-24-91

8 MILE RD. 204 FT. WD.



BILTMORE AVE. 60 FT. WD.



FERGUSON AVE. 60 FT. WD.

HESSEL AVE. 60 FT. WD.



- TEMPORARY CLOSURE

(FOR OFFICE USE ONLY)

CARTO 105 B

B						<p>TEMPORARY CLOSURE OF THE WEST 1/2 OF THE EAST-WEST PUBLIC ALLEY, 20 FT. WD., IN THE BLOCK BOUNDED BY FERGUSON, HESSEL, BILTMORE, AND W 8 MILE RD.</p>	<p>CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU</p>	
A							<p>JOB NO. 24-91</p>	
DESCRIPTION		DRWN	CHKD	APPD	DATE		<p>DRWG. NO.</p>	
REVISIONS								
DRAWN BY		LC		CHECKED		AP		
DATE		06-28-2024		APPROVED		RW		