

City of Detroit

JEROME P. CAVANAGH, *Mayor*

OFFICE OF THE CORPORATION COUNSEL

DETROIT, MICHIGAN 48226

ROBERT REESE
Corporation Counsel

THOMAS H. GALLAGHER
Chief Assistant

January 19, 1965



Mr. Howard Crowell
General Superintendent
Dept. of Parks and Recreation
Water Board Building
Detroit, Michigan 48226

Dear Mr. Crowell:

Enclosed herewith for placement in your files are the originals and executed copies of the Permit for Occupancy and Riparian Owner's Consent to Application for Deed to Submerged Lands and Agreement entered into with the City of Grosse Pointe Park.

Very truly yours,

A handwritten signature in cursive script that reads "William Dietrich".

WILLIAM DIETRICH
Asst. Corporation Counsel

WD/mjl

Encls.

A G R E E M E N T

THIS AGREEMENT, by and between the CITY OF DETROIT, a Michigan municipal corporation of Wayne County, Michigan ("Detroit"), acting through its Parks and Recreation Commission, and the CITY OF GROSSE POINTE PARK, a Michigan municipal corporation of Wayne County, Michigan ("the Park"),

W I T N E S S E T H :

WHEREAS, the Park wishes to induce Detroit to give the Park a permit for occupancy of and Detroit's consent to the Park's purchase from the State of Michigan of certain unpatented lake bottom lands or unpatented made lands lying below Alter Road (which lands are hereafter called "the property"), and

WHEREAS, Detroit is willing to grant such permit and consent upon certain terms and conditions, including the covenants of the Park hereinafter set forth,

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, the Park agrees with Detroit as follows:

1. Promptly after its receipt of legal title from the State of Michigan to the property constituting the subject of and described in the document entitled "Permit for Occupancy and Riparian Owner's Consent to Application for Deed to Submerged Lands", which description is incorporated herein and made a part hereof by reference, the Park will grant Detroit a perpetual easement twenty (20) feet in width for the purpose of maintaining and dredging Fox Creek along the entire western side of the property bordering Fox Creek. Such easement shall not impose any obligation

upon Detroit to maintain the property subject to easement, except that after any use of such easement by Detroit, Detroit shall restore the property to its condition prior to such use.

2. Park will indemnify Detroit and hold it harmless from any and all expense or loss arising out of claims that Detroit's grant of said permit and consent and the Park's acquisition of title to and use of the property affects or impairs Detroit's title to Alter Road or would cause a reversion of same to any other party. In the event of any such claim, the Park may, at its option, join with Detroit in defense of the same through counsel chosen by the Park, and no settlement or termination of any litigation with respect to any such claim (short of a final adjudication by court of last resort) shall be entered into without the Park's consent; and

3. The Park will maintain the property in such a condition, that there will be no sloughing off or erosion of the bank along the Fox Creek side of the property into the main channel of Fox Creek so as to obstruct the flow of Fox Creek.

4. This Agreement will be effective without further act by either Detroit or the Park upon Detroit's execution and delivery of the aforesaid permit and consent and shall continue in effect unless and until the Park, prior to acquiring legal title to the property, surrenders and returns possession of the property to Detroit.

to be executed in sextuplicate and signed by the respective parties hereto, pursuant to resolutions of their governing bodies.

Executed by authority of Detroit Common Council Resolution dated August 20, 1963 (JCC pp. 2171-2172).

In the Presence of:

CITY OF GROSSE POINTE PARK

Irene E. Poupore
Irene E. Poupore

By William C. Oddy
Mayor Pro Tem
William C. Oddy

December 8, 1964, 1964
Date

CITY OF DETROIT
Parks & Recreation Commission

Wm. F. Wagner
Wm. F. WAGNER
E. T. McGowan
E. T. McGOWAN

By Forrest F. Green
FORREST F. GREEN
Its: President

December 17, 1964
Date

**CONFIRMED BY
THE COMMON COUNCIL**

DEC 29 1964

Forrest F. Green
DEPUTY CITY CLERK

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

Subscribed and sworn to before me this 17th day of
December, A.D. 1964.

Mary Jane Lotito
Mary Jane Lotito, Notary Public
Wayne County, Michigan

My Commission Expires: Oct. 7, 1968.

APPROVED AS TO FORM AND EXECUTION
SUBJECT TO APPROVAL AND CONFIRMATION
BY COMMON COUNCIL

Robert F. ...
Corporation Counsel