

incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
CLARENCE C. RUSSELL  
Commissioner

By Councilman Eberhard:

RESOLVED, That all that part of the east-west public alley, 20 feet wide, in the block bounded by Canton, Helen, Palmer, and East Grand Boulevard, lying northerly of and abutting the northerly line of lot C, and lying southerly of and abutting the southerly line of lots 1 to 3 and the westerly 7 feet of lot 4 inclusive of James Gambles Sub-division of part of lot 9 and 10, Private Claim 573, north of Gratiot Avenue, Detroit, Wayne County, Michigan, as recorded in Liber 14, Page 67, Plats, Wayne County records,

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said alley and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public an easement or right of way over said vacated public alley hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

SECOND, said owners for their heirs and assigns further agree that no buildings or structures or any nature whatsoever including but not limited to concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Department of Public Works.

THIRD, that if at any time in the future the owners of any lots abutting on said vacated alley shall request the removal and/or relocation, of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

PROVIDED FURTHER, that if any utility located or to be located in

said property shall break or be damaged as a result of any action on the part of the petitioner or assigns (by way of illustration but not limitation), such as storage of excessive weights of materials or construction not in accordance with Section 2, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and be it further

PROVIDED, That if at any time in the future it becomes necessary to remove the paved alley return and construct new curb and sidewalk, the cost of such removal and construction shall be borne by the petitioner or his assigns, and further

PROVIDED, That the catch basin located in the vacated portion of alley be kept available to drain storm water from the portion of alley to remain open; if this is not done a new catch basin will be installed in the open portion of alley with the entire expense borne by the petitioner or his assigns.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, and President Ravitz — 7.

Nays — None.

Department of Public Works

December 6, 1973

Honorable Common Council:

Re: Petition No. 7331, Henning and Cheadle, Inc. Use of Berm Area for Off Street Parking at Greenfield and Elmira.

In compliance with policy adopted by your Honorable Body on August 24, 1972, (J.C.C. Pages 2195-97) concerning use of berm areas for parking of motor vehicles, the Department of Public Works has consulted with the City Plan Commission, Corporation Counsel, Community Development Commission, and the Department of Streets and Traffic regarding the above petition.

All Departments have approved the use of the berm area for public parking. The petitioner is to provide necessary concrete curb stops to prevent cars from overhanging the sidewalk.

We are, therefore, submitting the following resolution authorizing the use of berm area and recommend approval of same.

Respectfully submitted,  
CLARENCE RUSSELL  
Commissioner

By Councilman Eberhard:

RESOLVED, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Henning and Cheadle, Inc. to use the berm area on the east side of Greenfield for a distance of 180 feet south of the south line of Elmira Avenue.

PROVIDED, That the necessary permits be obtained from the Department of Public Works; and

PROVIDED, That such use of said public property shall be made under the rules and regulations of the Department of Public Works and the Department of Streets and Traffic in accordance with plans approved by those departments, the Community Development Commission, and the City Plan Commission; and

PROVIDED, That permittee install precast concrete curb stops to prevent vehicular encroachment onto the sidewalk; and

PROVIDED, That said permission may be rescinded at any time it is deemed necessary by Department of Streets and Traffic, and further, that the issuance of the permits shall not in any way waive the rights of the City to utilize the area for street widening or other purposes as may become necessary in the future; and

PROVIDED, That the Department of Streets and Traffic post signs limiting parking to non-commercial vehicles; and

PROVIDED, That all construction costs be borne by permittee; and

PROVIDED, That the parking spaces shall not in any way waive the requirements of the Zoning Ordinance regarding off-street parking; and

PROVIDED, That the berm area shall be open to the general public and shall not be reserved for the specific use of any certain establishment or establishments and/or their customers; and

PROVIDED, That no rights in the public streets, alleys or other public places shall be considered waived by this permission, which is granted expressly on the condition that said encroachment and all obstructions in connection therewith shall be removed at the expense of the permittee at any time when so directed by the Common Council, and that the public property affected shall be restored to a condition satisfactory to said Departments by said permittee at its expense; and

PROVIDED, That this resolution is revocable at the will, whim, or caprice of the Common Council and permittee hereby expressly waives any right to claim damages or compensation for removal of encroachment; and further that permittee acquire no implied or other privileges hereunder not expressly stated herein; and

PROVIDED, That these permits shall not be assigned or transferred without written approval of the Common Council; and

PROVIDED, That the area be subject to any tax which may be levied against it under the terms of Public Act 189 of 1953 and such other taxes as may be properly assessed and levied; and

PROVIDED, That the securing of the necessary permits referred to herein shall be construed as acceptance of the terms of this resolution by the permittee; and

PROVIDED, That a certified copy of this resolution be recorded with the office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, and President Ravitz — 7.

Nays — None.

### Department of Public Works

December 6, 1973

Honorable Common Council:

Re: Petition No. 7472, Melvin M. Kaftan, Use of the Berm Area at Prevost and Hessel.

In compliance with policy adopted by your Honorable Body on August 24, 1972, (J.C.C. Pages 2195-97) concerning use of berm areas, the Department of Public Works has consulted with the City Plan Commission, Corporation Counsel, Community Development Commission, and the Department of Streets and Traffic regarding the above petition.

Petitioner was granted permission by the City Plan Commission on July 17, 1973, to install an earth mound in the berm area in lieu of a masonry wall along the north side of Hessel Avenue east of Prevost and along the east side of Prevost between Hessel and Motor Drive.

All Departments have approved the use of the berm area for the earth mound. The petitioner is to file an indemnity agreement with the City Controller.

We are, therefore, submitting the following resolution authorizing the use of berm area and recommend approval of same.

Respectfully submitted,

CLARENCE C. RUSSELL  
Commissioner

By Councilman Eberhard:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Melvin M. Kaftan to maintain an earth mound on the north side of Hessel Avenue east of Prevost and along the east side of Prevost between Hessel and Motor Drive.

Provided, That the necessary permits be obtained from the Department of Public Works; and

Provided, That permittee at the time of obtaining said permits file with the City Controller an indemnity agreement in form approved by the Corporation Counsel, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise