

Cleveland, Eberhard, Hood, Mahaffey, Rogell, and President Levin — 7.  
Nays — None.

**Environmental Protection & Maintenance Department**

June 24, 1974

Honorable City Council:

Re: Petition No. 747—Kay Tile Co. to use Berm Area for parking at the southwest corner of Evergreen and Seven Mile Road.

In compliance with policy adopted by your Honorable Body on August 24, 1972, (J.C.C. pp. 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. Petitioner is to provide necessary concrete curb stops to prevent vehicular traffic from crossing the sidewalk. The parking will be parallel to the curb and use the 13 feet immediately behind the curb.

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

Respectfully submitted,

**JAMES W. WATTS**

Commissioner

By Council Member Eberhard:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to the Kay Tile Company to use the easterly thirteen (13) feet of the berm area on Evergreen Avenue at the side of 20019 West Seven Mile Road, Detroit, Michigan, for off-street parking, said parking to be parallel to the curb,

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 pre-cast concrete curb stops 13 feet west of and parallel to the curb; 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Provided, That said permission may be rescinded at any time it is deemed necessary by Department of Streets and Traffic, and further, that the issuance of the permits shall not in any way waive the rights of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 side 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 — Council Members Browne, Cleveland, Eberhard, Hood, Mahaffey, Rogell, and President Levin — 7.

Nays — None.

**Environmental Protection & Maintenance Department**

July 3, 1974

Honorable City Council:

Re: Petition of the Northwestern Community Baptist Church, et al (979) to use Berm Area for off-street parking on the north side of Puritan between Lauder and Marlowe.

In compliance with policy adopted by your Honorable Body on August 24, 1972, (J.C.C. Pages 2195 to 2197) concerning use of berm areas for off-street parking of motor vehicles, the Department of Public Works has con-



sulted 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 off-street parking.

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

Respectfully submitted,  
JAMES W. WATTS  
Commissioner

Approved:  
HERMAN T. DUDLEY  
Director  
City Engineering Dept.

By Council Member Eberhard:

**RESOLVED**, That the Department of Public Works be and it is hereby authorized and directed to issue permits to the Northwestern Community Baptist Church, etal to use the berm area in front of 14700 to 14734 Puritan Avenue for off-street parking.

**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 said permission may be rescinded at any time it is deemed necessary by the 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**, The parking will be limited to parallel parking, and

**PROVIDED**, Concrete bumpers will be placed along the edge of the sidewalk to prevent vehicular traffic on the walk, and a bumper will be placed perpendicular to the curb at the end of the parking space to prevent encroachment on the unpaved area.

**PROVIDED**, The area should be paved in concrete or asphalt,

**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 this resolution is revocable at the will, whim or caprice of the City 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 City Council; 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 by and at permittee's expense.

**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 City Council, and that the public property affected shall be restored to a condition satisfactory to said Departments by said permittee at its expense.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Hood, Mahaffey, Rogell, and President Levin — 7.

Nays — None.

#### Environmental Protection & Maintenance

July 26, 1974

Honorable City Council:

The Environmental Protection & Maintenance Department recommends the deletion of the following sidewalk assessments, same having been paid on Accounts Receivable Bills:

**Partial Payments:**

Roll 1-S-7—Lot 43; N. S. Horatio between Livernois and Gilbert, delete \$10.00, Partial Payment, Bill No. 12233, Item No. 2702, Treas. Receipt No. 44489.

Roll 1-S-7—Lot 43; N. S. Horatio between Livernois and Gilbert, delete \$10.00, Partial Payment, Bill No. 12233, Item No. 2702, Treas. Receipt No. 685.

Roll 1-S-10—N. 28.75 Ft. of Lots 34 thru 37; W. S. Gilbert between Morton and Michigan, delete \$25.00, Partial Payment, Bill No. 12366, Item No. 10310, Treas. Receipt No. 1739.

Roll 1-S-18—E. 16 Ft. of Lot 54; W. 24 Ft. of Lot 55 & S. 9 Ft. vac. alley adj.; N. S. Maddelein between Rex and Crusade, delete \$10.00, Partial Payment, Bill No. 12559, Item No. 21579, Treas. Receipt No. 2530.

Roll 1-S-28—Lots 131 & 132; W. S. Kelly between Tacoma and Manning, delete \$12.00, Partial Payment, Bill No. 12454, Item No. 57123-4, Treas. Receipt No. 41585.

Roll 1-S-28—Lots 131 & 132; W. S. Kelly between Tacoma and Manning, delete \$12.00 Partial Payment, Bill No. 12454, Item No. 57123-4, Treas. Receipt No. 2531.

Roll 1-S-29—N. 10 Ft. of Lot 128; Lots 129 & 130; W. S. Kelly between Tacoma and Manning, delete \$5.00, Partial Payment, Bill No. 12455, Item No. 57125-6, Treas. Receipt No. 43144.

Roll 1-S-29—N. 10 Ft. of Lot 128;