

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 of 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 City Engineering Department.

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 or 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.

Adopted as follows:

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

Nays — None.

City Engineering Department

June 3, 1975

Honorable City Council:

Re: Petition No. 1534—Oraha Shouneyia. Temporarily Close a portion of Fullerton, West of Dexter.

We are returning herewith Petition No. 1534 of Oraha Shouneyia requesting the temporary closing of the northerly 16 feet of Fullerton Avenue between the west line of Dexter and the easterly line of the alley west of Dexter.

The temporary closing was recommended by the Community and Economic Development Department with certain provisions for their Department and three further provisions agreed to by the petitioner and the Russell Woods-Sullivan Area Association.

The petition was then referred to us for investigation and report; our report, accompanied by the original petition, is as follows:

The petitioner has reached satisfactory agreements with the involved City Departments and private utilities regarding their equipment;

therefore, they have no objection to the proposed closing as long as the resolution grants them right of ingress and egress to their facilities.

An appropriate resolution containing all the necessary provisions including those recommended by the Community and Economic Development Department and the three agreed to by the petitioner and the Russell Woods-Sullivan Area Association is attached for consideration by your Honorable Body.

Respectfully submitted,

HERMAN T. DUDLEY

Director

Approved:

JAMES W. WATTS

Director

Environmental Protection
& Maintenance Dept.

By Council Member Kelley:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permit to Oraha Shouneyia to close the northerly 16 feet of Fullerton Avenue 110 feet wide, at the northwesterly corner of Fullerton and Dexter Avenues, abutting the southerly line of Lot 101 of Sullivan's Dexter Boulevard Subdivision No. 1 as recorded in Liber 55, Page 53, Plats, Wayne County Records, on a temporary basis for a period not exceeding three (3) years from May 28, 1975;

PROVIDED, Petitioner furnishes an Agreement, in form approved by the Law Department saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the Finance Department, and further

PROVIDED, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds by and at the permittee's expense, and further

PROVIDED, That no building or other structure is constructed in said street; that petitioner shall observe the rules of the City Engineering Department, and further subject to the following provisions:

1. The City of Detroit retains all rights and interests in the area here-in temporarily closed;
2. The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed street;
3. There will be two vehicular access points to the proposed parking lot; one from Dexter Avenue, the south line of which driveway being no less than 40 feet from the north Fullerton curb line; and one from Fullerton Avenue, closely adjacent to the alley west of Dexter;

4. The parking lot will be drained and hard-surfaced and free from dust, dirt and debris;

5. Corrugated metal bumper rails will be provided adjacent to the sidewalk along Fullerton and Dexter Avenues, except at the two vehicular entry points specified in item No. 3.

6. Concrete wheel stops will be provided for each designated parking spot.

7. A masonry wall will be provided at least four (4) feet in height along the alley west of Dexter Avenue from the store building to the property line at Fullerton Avenue. From that point the wall shall be two and one-half (2½) feet in height to the proposed new sidewalk location.

8. All construction costs occasioned by the approval to use public property be borne by the petitioner.

9. If removal of facilities becomes necessary in the future, they shall be removed at the expense of the petitioner or his assigns.

10. The issuance of permits for the above installation 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.

11. This permit shall not be assigned or transferred without written approval of the City Council.

12. No rights of the City in said Fullerton Avenue or other public places shall be considered waived by this resolution which resolution is adopted expressly on the condition that said encroachments shall be removed at the expense of the permittee at any time when so directed by resolution of the City Council.

13. This use will 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 further

PROVIDED That the following conditions have been agreed to between the petitioner and the Russell Woods-Sullivan Area Association. Noncompliance with them could cause revocation of the temporary closing by the City Council.

1. Petitioner agrees not to use the public alley for any deliveries or trash pickup, all such operations to be accomplished from the parking lot. All garbage is to be picked up from the alley door only.

2. The market will operate from 9 a.m. to 9 p.m. Monday through Saturday in the summer, from 9 a.m. to 4 p.m. on Sunday in both winter and summer.

3. Loitering will not be permitted in the parking lot, and further

PROVIDED, That at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the City Engi-

neering Department, by and at the permittee's expense, and further

PROVIDED, This resolution is revocable at the will, whim, or caprice of the City Council, and further, that grantee acquires no implied or other privileges hereunder, not expressly stated herein.

Adopted as follows:

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

Nays — None.

City Engineering Department

June 3, 1975

Honorable City Council:

Re: Petition No. 1598

Amurcon Corporation

Use of Berm Area at Kirby and St. Antoine

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 City Engineering Department has consulted with the following departments: Community and Economic Development, Law, and Transportation regarding the above petition.

Petitioner has requested permission to install an earth mound in the area between the curb and property line and to construct an 8 foot wide sidewalk at the curb on the south side of Kirby between St. Antoine and the Chrysler Freeway Service Drive.

All departments have approved the use of the berm for the earth mound and the new sidewalk location as shown on City Engineer's drawing Number X-1598. The petitioner is to file an indemnity agreement with the Finance Department.

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

Respectfully submitted,

HERMAN T. DUDLEY

Director

By Council Member Kelley:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to the Amurcon Corporation to construct an earth mound with landscaping and an eight (8) foot sidewalk at the south side of Kirby between St. Antoine and the Chrysler Freeway Service Drive.

PROVIDED, That the necessary permits be obtained from the Environmental Protection and Maintenance Department and that approval shall be as shown on City Engineer's Drawing No. X-1598, dated December 7, 1974.

PROVIDED, That all construction costs are borne by the petitioner,

PROVIDED, That permittee at the time of obtaining said permits files with the Finance Department an indemnity agreement in form approved by the Law Department saving and