

adopted by your Honorable Body on February 23, 1965, J.C.C. Pages 348 and 349. An appropriate resolution is attached for consideration and adoption by your Honorable Body.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Cleveland:

RESOLVED, That the Environmental Protection and Maintenance Department is hereby authorized and directed to issue a permit to Mr. Lapious Williams, Petition No. 4651, to maintain a garage which encroaches 2.0 feet into the 4 foot wide public utility easement at the rear of lot 1 of B. E. Taylor's Launa Subdivision as recorded in Liber 40, Page 51, Plats, Wayne County records located on the west side of Biltmore, north of Fennell, commonly known as 15301 Biltmore,

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

PROVIDED, That no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the garage, driveway, building and all obstruction in connection therewith shall be removed at the expense of the grantee at any time when so directed by the City Council; and further

PROVIDED, If at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said easement by the acceptance of this permission, the owners for themselves, their heirs and assigns waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Environmental Protection and Maintenance Department at the owner's expense; and further

PROVIDED, That this resolution is revocable at the will, whim, or caprice of the City Council, and the grantee by the acceptance of this permission waives any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and he acquires no implied nor any other privileges not expressly stated herein.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.

Nays — None.

Environmental Protection & Maintenance Department

January 24, 1978

Honorable City Council:

Re: Petition No. 3950, Stanley Vemco, Request for Parking on the Berm Area at 5740 Nevada

In compliance with policy adopted by your Honorable Body on August 24, 1972, (JCC Pages 2195-97) concerning use of berm areas for off-street parking of motor vehicles, the Environmental Protection and Maintenance Department has consulted with the Community and Economic Development Department, the Law Department, and the Department of Transportation regarding the above petition.

All Departments have approved the use of the berm area for private 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

Director

By Council Member Cleveland:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to the Stanley Vemco Company, 5740 East Nevada, to use the berm area in front of their building for off-street parking

PROVIDED, That the necessary permits be obtained from the Environmental Protection and Maintenance Department; and

PROVIDED, That permittee at the time of obtaining said permits file with the Finance Department an indemnity 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 the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said permission; and

PROVIDED, That such use of said public property shall be made under the rules and regulations of the City Engineering Division, EPMD, and the Department of Transportation in accordance with plans approved by those departments and the Community and Economic Development Department; and

PROVIDED, That said permission may be rescinded at any time it is deemed necessary by the Department of Transportation, 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 area be paved in asphalt or concrete, and concrete bumpers installed parallel to the sidewalk to prevent vehicular traffic on the sidewalk.

PROVIDED, That all construction costs be borne by the 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 acquires 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 his expense.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.

Nays — None.

Environmental Protection & Maintenance Department

January 20, 1978

Honorable City Council

Re: Petition No. 5636 — Shirley Dixon, Request to Maintain a Garage Encroaching into Easement

Your Committee of the Whole referred the above petition to this office for investigation and report. The Environmental Protection and Maintenance Department has made a field investigation of the petitioner's request. Our findings are as follows:

The petitioner's lot is 53 feet wide,

which dimension includes a 10 foot easement at the side. The petitioner wishes to maintain a garage which encroaches 4 feet into the easement.

We find that the above request for permission to encroach into the easement complies with the policy adopted by your Honorable Body on February 23, 1965, J.C.C. Pages 348 and 349. An appropriate resolution is attached for consideration and adoption by your Honorable Body.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Cleveland:

RESOLVED, That the Environmental Protection and Maintenance Department is hereby authorized and directed to issue permits to Mrs. Shirley Dixon, 19916 Chapel, to maintain a garage which encroaches 4 feet into the public utility easement (vacated alley by action on February 26, 1952, J.C.C. Page 394) at the side of lot 357 of the Lahser Avenue Super-Subdivision of the south $\frac{3}{4}$ of the west $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of Section 3, T.1S., R.10E.: Redford Township, Wayne County, Michigan, as recorded in Liber 53, Page 53, Plats, W.C.R.,

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

PROVIDED, That no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the garage, driveway, building and all obstruction in connection therewith shall be removed at the expense of the grantee at any time when so directed by the City Council; and further

PROVIDED, If at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said easement by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Environmental Protection and Maintenance Department at the owner's expense; and further

PROVIDED, That this resolution is revocable at the will, whim, or caprice of the City Council, and the grantee by the acceptance of this permission waives any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the