

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.
Nays — None.

Environmental Protection and Maintenance Department

February 10, 1978

Honorable City Council:

Re: Petition No. 5302, Imerman Industries. Request to use berm at 12165 Mack for Off-Street Parking.

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 McFadden:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to Imerman Industries, 12165 Mack Avenue, to pave the berm area in front of their building for the purpose of 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 permits 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 Commu-

ity 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PROVIDED, That said permission may be rescinded at any time it is deemed necessary by the Department of Transportation, and further, that the issuance of the permits shall not in any way waive the rights of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 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 its expense.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.

Nays — None.