

public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

All City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said alley or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
LOUIS W. KLEI
 City Engineer

Approved:

JAMES W. WATTS
 Director

By Council Member Mahaffey:

Resolved, that all that part of the north-south public alley, 20 feet wide, in the block bounded by West Grand Boulevard, Vinewood, the Jeffries Freeway and Grand River lying between and abutting the northerly line of the Jeffries Freeway and the southerly line of the 20 foot wide east-west alley in the same block all being in Block 1 of Scovel's Subdivision of the $\frac{1}{2}$ of the Fractional Section No. 2, T. 2 S., R. 11 E., as recorded in Liber 11, Page 97, 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 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 Environmental Protection and Maintenance 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 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 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

Resolved, that the City Clerk is hereby directed to send a copy of this resolution to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company.

Adopted as follows:

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

Nays — None.

**Environmental Protection &
 Maintenance Department**
 September 5, 1978

Honorable City Council:

Re: Petition No. 5703. Keel Dodge Inc., et al. Temporarily Close the alley north of Grand River between Fielding and Stout for a three year period.

Returned herewith is Petition No. 5703 of Keel Dodge, Inc., et al, requesting the temporary closing of the east-west alley in the block bounded by Fielding, Stout, Grand River and Verne.

The temporary closing was approved by the Community and Economic Development Department with certain restrictions.

All City Departments and privately owned utilities have reported that they have no objections to the temporary closing as long as the resolution grants them right of ingress and egress to their facilities.

An appropriate resolution containing all of the necessary provisions including those recommended by the Community and Economic Develop-

ment Department is attached for consideration by your Honorable Body.

Respectfully submitted,

LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Mahaffey:

Resolved, that the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to Kelel Dodge, Inc., et al, to close the east-west public alley in the block bounded by Fielding, Stout, Grand River and Verne being a part of the Mayfair Park Subdivision as recorded in Liber 41, Page 78, Plats, WCR; and being a part of the Grand River Suburban Subdivision No. 1 as recorded in Liber 36, Page 1, Plats, WCR, on a temporary basis for a period not to exceed three years from the date of passage of this resolution.

PROVIDED, that the temporary closing is to be for a period of three (3) years, except that during that period and without cause this grant may be revoked at the will, whim, and caprice of the City Council. If this grant is continued for the three (3) year period, the City Council may, upon request, and if the circumstances justify accordingly, grant an extension thereto.

PROVIDED, that the City is to retain all of its rights and interests in the area to be temporarily closed.

PROVIDED, the City and all public utility companies are to retain their rights to establish, maintain, and service any utilities in the area.

PROVIDED, no structures are to be built on the area to be closed, and the street is to be returned to a condition satisfactory to the Environmental Protection and Maintenance Department upon termination of this grant.

PROVIDED, the grantee acquires no implied or other privileges not expressly stated herein.

PROVIDED, that petitioner shall be subject to any tax which may be levied against him pursuant to law with regard to such use of public property; and further

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 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 Engineering Division, Environmental Protection and Maintenance Department, by and at the permittee's expense.

Adopted as follows:

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

Nays — None.

**Environmental Protection &
Maintenance Department**

August 31, 1978

Honorable City Council:

Re: Petition No. 778. Request to construct 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:

Petitioner's lot is 127 feet deep (which dimension includes a 12 foot easement at the rear). Petitioner wishes to construct a garage which will encroach 4 feet into the easement.

There is a cemetery immediately to the rear of the petitioners property with no buildings in this area.

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. Page 348 and 349. An appropriate resolution is attached for consideration and adoption by your Honorable Body.

Respectfully submitted,

LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Mahaffey:

Resolved, that the Environmental Protection and Maintenance Department is hereby authorized and directed to issue a permit to:

Mr. George W. Dinolt, Petition No. 778, to construct a garage which encroaches 4 feet into the 12 foot wide public utility easement at the rear of Lot 101 of the "Woodward Subdivision" as recorded in Liber 48, Page 89, Plats, WCR, located on the east side of Lichfield, north of Pembroke, commonly known as 19936 Lichfield,