

Lots 13 and 14 of the Subdivision of Quarter, Section 58, 10,000 Acre Tract, Township of Hamtramck, Wayne County, Michigan, as recorded Liber 9, Page 57, 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 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 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 if at anytime in the future it becomes necessary to remove the paved alley return and con-

struct new curb and sidewalk, such removal and construction costs, will be borne by the petitioner or his assigns.

Adopted as follows:

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

Nays — None.

Environmental Protection & Maintenance Department

October 1, 1979

Honorable City Council:

Re: Petition No. 905. Central Quality Service Corporation. Request to maintain a fence which encroaches into street right-of-way.

The above petition was referred to this department for investigation and report. Our report is as follows:

The petitioner has erected a fence around his property at 7043 East Palmer Avenue which encroaches 9 feet into the right-of-way of East Grand Boulevard and 1 foot into the right-of-way of Palmer Avenue.

The Water and Sewerage Department has objected to the encroachment into East Grand Boulevard since they have a 6-inch water main located 2 feet east of the existing property line of East Grand Boulevard. The fence encloses the water main, however, provisions are included in the attached resolution providing for access to the main.

All other involved private utility companies and City departments have no objection to the petitioner's request.

An appropriate resolution granting the petition with conditions is attached for consideration by your Honorable Body.

Respectfully submitted,

LOUIS W. KLEI

City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Cockrel:

Resolved, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to the Central Quality Service Corporation to maintain fences which encroach into the right-of-way of East Grand Boulevard and Palmer Avenue at property located at 7043 East Palmer Avenue, property being described as:

Lots 49 to 51 and the northerly 5 feet more or less of lot 48 of the Assessor's Plat of Lots 1 to 98 inclusive of Plat recorded in Liber 299, Pages 130 and

131 of Deeds, being a Part of P.C. 678, City of Detroit, Wayne County, Michigan as recorded in Liber 66, Page 51, Plats, Wayne County records;

Encroachment to consist of a fence which encroaches nine (9) feet into the East Grand Boulevard right-of-way and one (1) foot into the right-of-way of East Palmer,

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 private utility companies and the City departments shall have free and easy access at any time to and from their facilities located or to be located in the above described portions of streets; and further

Provided, That no right in the public street shall be considered waived by this permission which is granted expressly on the condition that the fence 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 water mains or sewers or other utilities located or to be located in said street 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.

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

Adopted as follows:

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

Nays — None.

Environmental Protection & Maintenance Department

October 4, 1979

Honorable City Council:

Re: Petition No. 288, G.L.S. Leasco,

Inc. Temporarily close a portion of Newbern and Gaylord, North of East McNichols.

We are returning herewith Petition No. 288 of G.L.S. Leasco, Inc. requesting the temporary closing of Newbern between East McNichols and the north line of Gaylord, and Gaylord Avenue from the east line of Newbern to a line which is 91.51 feet easterly thereof.

The temporary closings were recommended by the Community and Economic Development Department.

All City departments and privately owned utility companies have reported that they have no objections to the proposed closing provided 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 Development Department is attached for consideration by your Honorable Body.

Respectfully submitted,

LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Hood:

Resolved, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to G.L.S. Leasco, Inc. to close that portion of Newbern Avenue lying between the north line of East McNichols and the north line of Gaylord Avenue; and that portion of Gaylor Avenue lying between the easterly line of Newbern and a line which is 91.51 feet easterly thereof, all inclusive of Edward A. Randall's Subdivision of ½ Section 1 of the 10,000 Acre Tract in Hamtramck, T.1S., R.12E., Wayne County, Michigan as recorded in Liber 28, Page 21, Plats, Wayne County records; on a temporary basis for a period of three years to expire on October 31, 1982;

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