

ley, 20 feet wide, into an easement for 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

Resolved, That all that part of the north-south public alley, 20 feet wide, north of Anthon Avenue, between Cavalry and Campbell, abutting the rear line of Lots 352 to 356 and the easterly line of Lot 351, all inclusive of the Second Plat Subdivision of part of the Walter Crane Farm, P.C. 39, between public alley south of Fort Street and Harvey Avenue, Detroit, Wayne County, Michigan, as recorded in Liber 18, Page 26, 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 building 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 the prior approval by the Department of Public Works.

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 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, Cockrel, Eberhard, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.

Nays — None.

Department of Public Works

April 21, 1980

Honorable City Council:

Re: Petition No. 2614, M&M Auto Parts, 9103-27 Michigan Avenue, Use of Berm Area for Parking of Equipment.

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

All Department have approved the use of the berm area for parking of equipment during business hours. The petitioner is to enter into an occupancy agreement with a rental fee in accordance with requirements of the Community and Economic Development Department.

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

Respectfully submitted,
 LOUIS W. KLEI
 City Engineer

Approved:
 JAMES W. WATTS
 Director

By Council Member Kelley:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to M&M Auto Parts Company, 9103-27 Michigan Avenue, to use the berm area on the west side of Sharon Avenue south of Michigan Avenue which abutts their business for off street parking of equipment,

Lots 57 to 65 of the Nall's Subn. of part of P.C. 40 lying south of Michigan Avenue, Township of Springwells, Wayne Co., Michigan, L. 14, P. 75

Provided, That the necessary permits be obtained from the Department of Public Works, and,

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 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, D.P.W., and the Department of Transportation in accordance with plans approved by those Departments and the Community and Economic Development Department and

Provided, That the berm areas shall be used only for parking their equipment during normal business hours and no vehicles will be placed on said areas at other times, and

Provided, Concrete parking bumpers be installed parallel to and one foot from the edge of the sidewalk to prevent any vehicles from encroaching on the pedestrian right of way, and

Provided, That the petitioner enters into an occupancy agreement on a basis of a rental fee of \$400 per year including taxes and to cover a period of three years, and

Provided, That the Community and Economic Development Department is hereby authorized and directed to negotiate said agreement; and

Provided, That the Law Department is hereby authorized and directed to prepare said agreement; and

Provided, That the Finance Department is hereby authorized and directed to sign said agreement; and be it further

Resolved, That said agreements be considered confirmed when signed and executed by the Finance Department and approved as to form and execution by the Law Department; and be it further

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, 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; and

Provided, That no rights in the public streets, alleys or other public places 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 shall be restored to a condition satisfactory to said Departments by said Permittee at their expense.

Adopted as follows:

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

Nays — None.

Department of Public Works

April 21, 1980

Honorable City Council:

Re: Petition No. 2941, Boulevard Ser-