

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; and be it further

Resolved, That the petitioner shall enter into an annual maintenance agreement with the Public Lighting Department for the continued use of the existing street lights; and further

Resolved, That the existing fire hydrants in the area shall remain in service and shall become the responsibility of the petitioner for future maintenance, and be it further

Resolved, That the Finance Department is hereby authorized and directed to issue a Quit Claim Deed to the above described streets and alleys, and that the Law Department is directed to prepare said deed.

Adopted as follows:

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

Nays — None.

#### Department of Public Works

November 14, 1980

Honorable City Council:

Re: Petition No. 4483, Quaker Chemical Corporation, Request to use the berm for off-street parking at 14301 Birwood.

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 Departments have approved the use of the berm area for off-street parking.

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 Eberhard:

RESOLVED, That the Department of Public Works be and it is hereby authorized and directed to issue permits to the Quaker Chemical Corporation to use the berm area in front of 14301 Birwood for off-street parking, perpendicular to the curb, for customers vehicles;

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 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 area be paved in asphalt or concrete and,

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

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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 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 their expense.

Adopted as follows:

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

Nays — None.

#### Department of Public Works

December 8, 1980

Honorable City Council:

The Department of Public Works recommends the deletion of the following sidewalk assessment confirmed by your Honorable Body on September 10, 1980, same having been paid on Accounts Receivable Bill:

Roll 13-Y, Lots 6 & 5; E.S. Woodward between Bryson and Carmel, delete \$716.00, Bill No. 33719, Item No. 9824, Treas. Receipt No. C3199.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Mahaffey:

Resolved, That the City Treasurer be and he is hereby authorized to make the above-mentioned deletion.

Adopted as follows:

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

Nays — None.

#### Department of Public Works

December 10, 1980

Honorable City Council:

Re: Petition No. 3405. Kay Industries and Mohawk Liqueur Corpora-

tion. Conversion to Easement of the north-south alley in the block bounded by Porter, Bagley, Vermont and Rosa Parks Boulevard.

The above petition requests the conversion of the above described alley, 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:

The petitioner has requested that the paved return at the entrance to the alley to be vacated from Porter Street remain in its present status as the petitioner plans to utilize same, and has agreed to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of public right-of-way into an easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

LOUIS W. KLEI,

City Engineer

Approved:

JAMES W. WATTS,

Director

By Council Member McFadden:

RESOLVED, That all that part of the north-south alley, 20 feet wide, in the block bounded by Porter, Bagley, Vermont and Rosa Parks Boulevard lying northerly of and abutting the northerly line of Porter Street and lying easterly of and abutting the easterly line of Lots 133 to 160 and the northerly 28.90 feet of Lot 161 inclusive of the Subdivision of part of Outlot 1, between Baker Street and the M.C.R.R., Lafferty Farm, as recorded in Liber 1, Page 305, Plats, Wayne County records; and lying westerly of and abutting the westerly line of Lots 15 to 20 and the northerly 23.42 feet of Lot 14, inclusive of the Map of part of the Cabacier Farm, lying between Jefferson and Michigan Avenues, as recorded in Liber 44, Pages 74, 75, and 76, Deeds, 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, reser-