

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 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 pay all costs incidental to such removal and/or relocation, unless such charges are levied 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 no 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.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, McFadden, Rogell, and President Pro Tem Mahaffey — 7.

Nays — None.

**Department of Public Works**

February 16, 1981

Honorable City Council:

Re: Petition No. 3508. Milton Butler. Request to erect a fence which will encroach into the right-of-way of Verne Avenue.

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

The petitioner wishes to erect a four foot high fence which will encroach 12 feet into the right of way of Verne Avenue.

All City Departments have no objection to the proposed encroachment.

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 Rogell:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Mr. Milton Butler to erect a fence which will encroach 12 feet into the right-of-way of Verne Avenue, 50 feet wide, at the side of 16705 Plainview Avenue, property described as:

Lot 3083, Rosedale Park No. 8, Sub-division of part of N. ½ of NW ¼ of Section 14, T.1S., R.10E., Redford Township, Wayne County, Michigan, as recorded in Liber 50, Page 89, Plats, Wayne County records,

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 the 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 obstructions 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 Department of Public Works.

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 the fences 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, McFadden, Rogell, and President Pro Tem Mahaffey — 7.

Nays — None.