

property shall break or be damaged as a result of any action on 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 3, 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, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.
Nays — None.

**Department of Public Works
City Engineering Division**

October 14, 1981

Honorable City Council:

Re: Petition No. 5106. James Cummings, et al. Use of Berm Area for Off Street Parking at 13482 West Outer Drive.

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 Rogell:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Mr. James Cummings to use the berm area for off street parking in front of 13482 West Outer Drive, property described as:

The South 26 feet of Lot 280 and the North 27 feet of Lot 279 of the Ken-Jock-Ety Subdivision as recorded in Liber 55, Page 99, Plats, Wayne County records.

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 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 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 De-

partments by said permittee at their expense.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.
Nays — None.

Department of Public Works

October 22, 1981

Honorable City Council:

Re: Petition No. 5355. United Methodist Retirement Homes. Conversion to Easement of a Portion of the East-West Public Alley in the Block Bounded by Dunedin, Rosa Parks, West Grand Boulevard and Lothrop.

The above petition requests the conversion of a portion 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 with the recommendation that sufficient land be dedicated for a new alley outlet into West Grand Boulevard. 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 portion of alley to be vacated remain in its present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

A Warranty Deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley outlet into West Grand Boulevard. This deed was approved as to form and execution by the Law Department as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

The petitioner has requested permission to pave the newly dedicated alley by private contract. The Department of Public Works has no objection to this request provided the work is done under City permit and inspection and according to Department of Public Works specifications with all costs borne by the petitioner or his assigns.

The Public Lighting Department reported that they may have a street lighting standard close to the new alley outlet which may have to be moved. The petitioner has agreed by letter to pay all costs of such relocation if it proves 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 Hood:
RESOLVED, That all that part of the east-west public alley, 20 feet wide, in the block bounded by Dunedin, Rosa Parks, West Grand Boulevard and Lothrop abutting the rear line of Lots 5 to 9 and the easterly 4.5 feet of Lot 4 all inclusive of Whitney's Subdivision of Lots 1, 2 and south part of Lots 3, 6 and 11, Quarter Section 54, and Lots 16, 18, 38 and 40 of T. S. Anderson's Subdivision of Lots 7 and 8 of Quarter Section 54, 10,000 Acre Tract, Detroit, Wayne County, Michigan, as recorded in Liber 27, Page 78, 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 propose 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 Department of Public Works,

THIRD, that if at any time in the