

We are returning herewith Petition No. 1954 of the Community and Economic Development Department requesting to temporarily close a portion of the public alley in the above described block.

All City departments have reported that they have no objection to the proposal, provided they have the right to ingress and egress to their facilities.

An appropriate resolution containing the necessary condition is attached for consideration by your Honorable Body.

Respectfully submitted,
 CLYDE R. HOPKINS
 Director

By Council Member Collins:

Resolved, That the Community and Economic Development Department is hereby authorized to close that portion of the "U" shaped alley as shown on their drawing No. A-3424, in the block bounded by Bates, Monroe, Farmer and Cadillac Square, on a temporary basis.

Provided, the grantee shall acquire no implied or other privileges not expressly stated herein; and further

Provided, that no building or other structure is constructed in said alley; that petitioner shall observe the rules of the City Engineering Department; and further

The City of Detroit retains all rights and interests in the area herein temporarily closed;

The City and all utility companies retain their rights to establish, maintain and service any utilities in said area of temporarily closed alley;

Provided, that at the expiration of said grant, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the City Engineering Department, by and at the permittee's expense; and further

Provided, this resolution is revocable at the will, whim or caprice of the City Council, and further, that grantee acquires no implied or other privileges hereunder, not expressly stated herein.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahafey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

City Engineering Department
 August 5, 1983

Honorable City Council:

Re: Petition No. 1541, G.C.C. Incorporated, Petition No. 1991, West Side Arena. Request to encroach into the right-of-way of Vernor, Ferris and Wendell with a fence and into

the Vernor right-of-way with an awning.

Returning, herewith, Petition No.'s 1541 and 1991 requesting permission to encroach into the right-of-ways at 8500 West Vernor.

Encroachment to consist of a fence and the necessary posts which encroach approximately one-foot into the right-of-way of West Vernor, Ferris and Wendell, and an awning which encroaches into the right-of-way of West Vernor to a point approximately three (3) feet behind the curb. The awning is at a height of 8 feet 4 inches above the sidewalk.

There are no objections to the request to maintain the encroachments.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
 CLYDE R. HOPKINS
 Director

By Council Member Collins:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to the West Side Arena to maintain a fence and an awning which encroach into the right-of-way of Ferris, Wendell and West Vernor at property described as: Lots 18 to 24 of Harrah's Toledo Avenue Subdivision of that part of Lot 2, Private Claim 60, lying easterly of Woodmere Avenue, Springwells, Wayne County, Michigan as recorded in Liber 16, Page 11, Plats, Wayne County records, commonly known as 8500 West Vernor Encroachment to consist of a fence which encroaches approximately one-foot into the right-of-way of Ferris, Wendell and West Vernor and an awning which encroaches approximately six (6) feet into the right-of-way of West Vernor at a height of 8 feet 4 inches above the sidewalk;

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 in the office of the Wayne County register of Deeds by and at the permittee's expense, and further

Provided, That no right in the public streets shall be considered waived by this permission which is granted expressly on the condition that the awning, 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 sewers or other utilities located or to be located in said streets 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 owner's expense; and further

Provided, That this resolution is revocable at the will, whim, or caprice of the City Council, and the grantee 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, Collins, Eberhard, Hood, Kelley, Mahafey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

City Engineering Division

August 3, 1983

Honorable City Council:

Re: Petition No. 851, Boyce Dale Hathcock, et al. Conversion to easement of Lang Avenue, between Lawdell and Mellon and a portion of the alley east of Lang.

The above petition requests the conversion of the above described street and portion of alley into easements for public utilities. The requested conversion into easements 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 street and 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,
CLYDE R. HOPKINS

Director

By Council Member Collins:

Resolved, That all that part of Lang

Avenue, 50 feet wide, between and abutting the southerly line of Mellon Avenue, 86 feet wide and Lawdell Avenue, 60 feet wide, as platted in the Oakwood Boulevard Manor Subdivision of part of Private Claim 671, City of Detroit, Wayne County, Michigan as recorded in Liber 53, Page 89, Plats, Wayne County records; also

All that part of the east-west public alley, 20 feet wide in the block bounded by Lang, Major, Lawdell and Mellon abutting the rear line of Lots 115 to 120, all inclusive of the above mentioned subdivision;

Be and the same hereby vacated as a public street and alley and are hereby converted into a public easement of the full width of the street and 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 street and 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 easements or rights-of-way over said vacated public street and alley hereinabove described for the purposes of maintaining, installing, repairing, removing or replacing public utilities such as water mains, sewers, gas lines or mains, telephones, electric light conduits or poles or things usually placed or installed in a public street or 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, not any change of surface grade made, without prior approval by the City Engineering Department.

Third, that if at any time in the future the owners of any lots abutting on said vacated street and alley shall request the removal and/or relocation of any existing poles or other utility 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 is 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 mater-