

approval by the City Engineering Department.

Third, that if at any time in the future the owners of any lot abutting on said vacated street 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 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; and be it further

Resolved, That if at any time in the future it becomes necessary to remove the paved street returns at the entrance to the vacated street then such removal and construction of new curb and walk will be done under City permit and inspection with all costs borne by the petitioner, his heirs and assigns.

Adopted as follows:

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

Nays — None.

City Engineering Department

April 23, 1984

Honorable City Council:

Re: Petition No. 2763, Employers Association of Detroit, Request for Power Cable Encroachment at 3845 West Eight Mile Road.

We have reviewed the request of the Employers Association of Detroit to install a power cable to operate a power gate to furnish security for their property.

The City Engineering Department has contacted the Public Lighting Department and the Detroit Edison Company concerning this installation. The Public Lighting Department has no objection to the proposal. The Detroit Edison Company reported that they will allow the petitioner to use their pole to attach the cable, provided, your Honorable Body approves the encroachment.

An appropriate resolution, granting permission to install the cable, is at-

tached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS

Director

By Council Member Cleveland:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to the Employers Association of Detroit for permission to encroach over the 18 feet wide public alley south of Eight Mile Road between Sheffield and Gardendale Avenues, and to encroach over Gardendale at the alley south of Eight Mile Road; property described as:

Lots 109 and 144 of the Woodlawn Subdivision as recorded in Liber 29, Page 54, Plats, Wayne County records

Encroachment to consist of a power cable which will extend from a power gate on the west side of Gardendale to a pole in the above mentioned alley, then across Gardendale to a pole then into property commonly known as 3845 West Eight Mile Road.

Provided, that cable must be installed as per national Electrical code as adopted by the Michigan Public Service Commission, and that the cable be a minimum of twenty-four (24) feet above grade of the street.

Provided, that permittee at the time of obtaining said permits file 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 encroachments; 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 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 department by said permittee at its expense; 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 this permit shall be assigned or transferred without the written approval of the City Council; and

Provided, that the filing of the indemnity agreement and the securing of the necessary permit referred to herein shall be construed as acceptance of this resolution by the permittee; and

Provided, that a certified copy of this resolution shall be recorded with the Office of the Register of Deeds for Wayne County by and at permittee's expenses.

Adopted as follows:

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

Nays — None.

City Engineering Department

April 18, 1984

Honorable City Council:

Re: Petition No. 2667, Mr. Raymond Dixon, 8537 Cheyenne, Request to Construct a Garage Encroaching into the Easement.

Your Committee of the Whole referred the above petition to this office for investigation and report. The City Engineering Department has made a field investigation of petitioner's request. Our findings are as follows:

Petitioner's lot is nearly triangular in shape with a depth of 110 feet on the north side line and 23 feet on the south side line; there is a six foot wide public utility easement which lies between these two end lines to the rear of the lot.

Petitioner wishes to construct a garage which will have a corner encroaching approximately three (3) feet into the easement.

We find that the above request for permission to encroach into the easement complies with the policy adopted by your Honorable Body on February 23, 1965, J.C.C. Page 348 and 349. An appropriate resolution is attached for consideration and adoption by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS

Director

By Council Member Cleveland:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to Mr. Raymond Dixon to construct a garage which has the southwesterly corner encroaching approximately three (3) feet into the six foot wide public utility easement at the rear of Lot 3159 of Robert Oakman Land Company's Aviation Field Subdivision No. 4 as recorded

in Liber 58, Page 48, Plats, Wayne County records on the west side of Cheyenne Avenue, north of Mackenzie, commonly known as 8537 Cheyenne Avenue;

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the permittee's expense in the Office of the Register of Deeds for Wayne County; and further

Provided, That petitioner file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims which may arise therefrom; and

Provided, That no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the garage, driveway, building 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 easement, 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 City Engineering Department at the owner's expense; and further

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 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, Mahaffey, Peoples, Ravitz and President Henderson — 9.

Nays — None.

City Engineering Department

April 18, 1984

Honorable City Council:

Re: Petition No. 2505, Marine Pollution Control, Inc., Request to Temporarily Close Pulaski Avenue between Jefferson and the Detroit River.

We are returning herewith Petition NO. 2505 of the Marine Pollution Control, Inc. requesting the temporary closing of the described portion of Pulaski Avenue.