

Liber 37, Page 96, Plats, Wayne County records; also

All that part of the east-west public alley, 16 feet wide, in the block bounded by Veach, Antwerp, Robinwood and Hollywood lying between and abutting the rear line of Lots 58 to 67 and Lots 69 to 77 all inclusive of the above subdivision;

Be and the same are hereby vacated as 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 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, nor 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 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 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,

Eberhard, Peoples, Ravitz, and President Pro Tem. Hood — 5.

Nays — None.

**City Engineering Department**

March 19, 1985

Honorable City Council:

Re: Petition No. 1605. Saleem Brikho, Request Permission to maintain existing building encroachment at 610 W. Seven Mile Road.

Returning, herewith, print and petition No. 1605 of Mr. Saleem Brikho requesting permission to maintain a building which encroaches into the right-of-way of Carman Avenue north of West Seven Mile Road.

All City departments and private utility companies have reported that they have no objection to the encroachment.

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

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Eberhard:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permit to Mr. Saleem Brikho to maintain a building encroachment at property described as:

Lot 21 of Walker's Subdivision of S.W. ¼ of S.E. ¼ of Section 2, T. 1 S., R. 11 E., recorded in Liber 29, Page 48, of Plats, Wayne County Records,

Encroachment to consist of a building whose easterly wall encroaches 0.65 feet at the south corner and 0.92 feet at the north corner into the right-of-way of Carman 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 ease-

ment, 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, Eberhard, Peoples, Ravitz, and President Pro Tem. Hood — 5.

Nays — None.

**City Engineering Department**

March 19, 1985

Honorable City Council:

Re: Petition No. 2779. Belcrest Associates Limited Dividend Association. Request approval to maintain existing sidewalk Encroachment at 5440 Cass Avenue.

Returning, herewith, print and petition No. 2779 of Belcrest Associates Limited Dividend Association requesting permission to maintain existing encroachments for three (3) planters located in front of the Belcrest Apartments at 5440 Cass.

The City Engineering Department has no objection to the encroachments.

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

Respectfully submitted,  
 CLYDE R. HOPKINS  
 Director

**By Council Member Eberhard:**

Resolved, That the City Engineering Department is hereby authorized and directed to issue permits to the Belcrest Associates Limited Dividend Association to encroach into the right-of-way of Cass Avenue at property described as;

Lot 2, Walker's Subdivision of Park Lots 49, 50, 51 and 52 in the City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 282, Plats, Wayne County records, and of Lot 5 excepting the southerly 25 feet thereof of the Subdivision of Park Lot No. 53, City of Detroit, recorded in Liber 206, Page 290, Deeds, Wayne County records;

Encroachment to consist of:

1. A ground level planter enclosed by a brick border located approximately 13 feet from the northerly lot line of the property. This planter extends about five feet into the public way and is approximately 14 feet long.

2. A ground level planter enclosed by a brick border along the front of the Belcrest Apartment Building. This planter extends approximately 8½ feet into the public way and is about 50 feet long. It contains a metal standard that supports a sign with the name of the apartment building.

3. A planter enclosed by a 3 foot high brick wall that extends approximately 8½ feet into the public way. This planter is approximately 44½ feet long and is the subject of an October 14, 1975 City Council resolution approving the encroachment. Recorded in Liber 20448, Page 122, 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 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 street 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 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 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 waived 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 nor expressly stated herein.