

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.



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. 2935, Detroit Medical Center Cooperative Services, Requesting Permission to Install a Telecommunication Cable which will Encroach Under several City Streets in the Medical Center Area.

Returning herewith petition and print of the Detroit Medical Center Cooperative Services which requests permission to install a telecommunication cable beneath or across various streets in the Medical Center area.

The streets in question are: Brush, John R, Canfield and Beaubien-St. Antoine.

All involved City departments and privately owned utility companies have replied that they have no objection to this proposal provided care and caution are used in the boring and jacking operation to cross their properties. They have also requested that the petitioner make use of the "Miss Dig" facilities before construction. This will minimize the chance of future damage to the petitioner's property.

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 be and it is hereby authorized and directed to issue permits to the Detroit Medical Center Cooperative Services to install telecommunication cable beneath or across Brush, John R, Canfield and Beaubien-St. Antoine at the following locations:

- 1) Canfield immediately west of its intersection with Beaubien-St. Antoine; and
- 2) Crossing St. Antoine immediately south of Hancock and proceeding north to 5310 St. Antoine (James Couzens Memorial Clinic facility of Children's Hospital of Michigan); and
- 3) Diagonally crossing the intersection of Brush and Hancock; and
- 4) Crossing John R at the intersection with Willis

All of the above appear in the following divisions:

- 1) Park Lot 28 of "Plat of Park Lots" Rec'd L. 34, P. 542, Deeds, W.C.R.
- 2) "Riopelle's and Burk's Subdivision"

of the West part of Lot No. 3 of the Subdivision of the Estate of Joseph Barron, deceased, on Private Claim No. 340 North of the River Rouge, Township of Springwells, County of Wayne, State of Michigan, Rec'd L. 11, P. 23 Plats, W.C.R.

3) Brush's Subdn. of that part of the Brush Farm lying between the South line of Farnsworth St. and the South line of Alexandrine Ave., Detroit, Wayne County, Michigan, Rec'd L. 17, P. 29 Plats, W.C.R.

4) Cleland and Cowie's Subdivision of the West 236 feet of A. Beaubien Farm between Fremont St. and Warren Ave, City of Detroit, Wayne Co., Mich. Rec'd L. 9, P. 40 Plats, W.C.R.

5) Van Dyke's Subdivision of the part of the Antoine Beaubien Farm North of Grove St. Rec'd L. 1, P. 294 Plats, W.C.R.

Provided, Said installations are according to the specifications of the Public Lighting Department and the City Engineering Department; and

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 Department of Public Works 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 struc-