

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 purpose above set forth.

Second, said utility easement or right-of-way in and over said vacated alley herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

Third, 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 of the City Engineering Department.

Fourth, that if 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, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners 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 petitioners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and

Provided, That if it becomes necessary to remove the paved alley return (into Eliot) at the entrance, such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City

Engineering Department specifications with all costs borne by the petitioner, their heirs or assigns; and

Provided Further, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Peoples, Ravitz, and President Henderson  
— 8.  
Nays — None.

**City Engineering Department**  
March 23, 1988

Honorable City Council:

Re: Petition No. 1330. Traffic Jam and Snug Restaurant Request permission to construct and maintain a new front-entry-building-addition encroachment at 511 West Canfield (the southeast corner of Canfield and Second).

Petition No. 1330 of the Traffic Jam and Snug Restaurant requests permission to construct and maintain a building addition encroaching approximately 12 feet by 80 feet into the south side of West Canfield, 100 feet wide, east of Second Boulevard.

The encroachment petition was referred to the City Engineering Department for investigation and report. This is our report:

The Public Lighting Department will require a 4 feet minimum horizontal clearance from existing underground fed street lights.

All other involved City departments and privately-owned utility companies have reported no objection to this encroachment. However, care and caution are necessary in the placement of a concrete building foundation below grade. City and private utilities have requested the petitioner make use of "Miss Dig" facilities before construction. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.

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

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Collins:

Resolved, The City Engineering Department is hereby authorized to issue permits to the Traffic Jam and Snug Restaurant (Dylan Enterprises, Inc.) to construct and maintain a new front-entry-building-addition encroachment into the public right-of-way along the south side of W. Canfield Avenue, 100

feet wide, east of Second Boulevard, property described as:

The north 150.00 feet of Lots 15 and 16, Block 97, of the Subdivision of Blocks 97 and 98 of the Cass Farm as recorded in Liber 1, Page 259, Plats, Wayne County Records;

Encroachment to consist of a building addition (with below-grade concrete foundation) for enlargement of the waiting area, a new bakery receiving area, and a vestibule extending (approximately 12 feet by 80 feet) into the public right-of-way along the south side of W. Canfield Avenue, east of Second Boulevard, abutting the above described property;

Provided, Said building addition shall be constructed according to sealed plans drawn by McCleer Architect, 3861 Penobscot Building, Detroit, Michigan 48226, dated March 15, 1988; sheets 1 and 2 entitled "The Traffic Jam and Snug" (submitted by the petitioner); and

Provided, The petitioner shall make application to the Buildings and Safety Engineering Department for a building permit. Also, said building addition shall be constructed and maintained according to Detroit Building Code specifications and permits as required; and

Provided, Said building addition and appurtenances shall be according to the horizontal clearance requirements (minimum 4 feet) from all Public Lighting Department underground fed street lights; and

Provided, If the petitioner removes, alters or replaces any sidewalk (within the public right-of-way) such work shall be according to City Engineering Department specifications, permits and inspection. The removal, alteration or replacement of public sidewalk shall comply with the rules and regulations of the City Engineering Department, the Community and Economic Development Department, and the Department of Transportation. The petitioner shall pay all costs for public sidewalk construction; and

Provided, The petitioner shall be liable for all incidental repair costs and/or damages to any public or private utility installations located therein. Additionally, if it becomes necessary to repair or replace the utilities located or to be located in said public right-of-way, 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

Provided, The 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 encroachment; and

Provided, That this resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby 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 not be assigned to transferred without the written approval of the City Council; and

Provided, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

**City Engineering Department**

March 21, 1988

Honorable City Council:

Re: Petition No. 1237, Park Motor Sales Company, Conversion to easement of portion of Erie and public alleys in the area bounded by Woodward, Charleston, Nevada and Savannah; also change remaining part of Erie to two-way traffic.

Petition No. 1237 of Park Motor Sales Company requests the conversion of portion of Erie Avenue, 60 feet wide, and public alleys (8, 16 and 20 feet wide) in the area bounded by Woodward, Charleston, Nevada and Savannah Avenues into an easement for public utilities.

The petitioner wishes to consolidate property for business expansion.

The Police Department and the Department of Transportation have reported it will be necessary to change the remaining part of Erie (east end) from one-way to two-way traffic.

The requested conversions into an easement for public utilities were approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The (preliminary) expansion plans submitted by the petitioner show 3 signs are proposed. The base of the proposed signs must be placed on private prop-

erty. If the proposed signs project over the public rights-of-way, the petitioner will be subject to the conditions of Detroit Code Section 3, Articles 4 and 5. To erect and maintain signs, the petitioner must make application to the Buildings and Safety Engineering Department prior to the installation of any signs. Also, all signs installation and maintenance shall be according to Detroit Building Code specifications, bonds and permits (BOCA Code, Article 14 — "Signs" — Section 1400.00 to 1415.20).

The Fire Department will require 24-hour-per-day access to all hydrants. No trees, materials, vehicles, buildings or other obstructions shall be placed within 15 feet of any hydrant. The petitioner shall be liable for all damages and incidental repair costs to hydrants inside their (fenced) property.

The Water and Sewerage Department will require unimpeded 24-hour-per-day access to service their facilities. Any fence or gate installation (across Erie) must provide 13 feet horizontal and 13 feet vertical clearanc(es) for maintenance vehicles.

City departments and privately owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
 CLYDE R. HOPKINS  
 Director

By Council Member Ravitz:

Resolved, That all that part of Erie Avenue, 60 feet wide, between Woodward and Charleston Avenues lying southerly of and abutting the south line of Lot 23; also lying southerly of and abutting the south line of the previously vacated north-south public alley, 20 feet wide, (August 7, 1948 — J.C.C. page 2246); also lying southerly of and abutting the south line of the west 150.00 feet of Lot 29, Lots 27 and 28; also lying northerly of and abutting the north line of Lot 22; also lying northerly of and abutting the north line of the north-south public alley, 20 feet wide; also lying northerly of and abutting the north line of Lots 41 to 47 as platted in "Hugo H. Stender's Subdivision of Lots 7, 8, 9, 15 and 16 and part of Lot 14 Youngblood's Subdivision of the East part of the Southeast Quarter of Section 11, Town 1 South, Range 11 East, Greenfield Township," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 53, Plats, Wayne County Records; also

All that part of the north-south public alley, 20 feet wide, in the block bounded