

10 feet of sidewalk space remains free and clear, between the encroachment and the curb.

The Public Lighting Department requires a minimum horizontal clearance of 3-feet-6-inches and a vertical clearance of 1'-0" must be maintained from their facilities.

The Detroit Water and Sewerage Department (DWSD) has no objection to the proposed use of the berm provided that DWSD forces shall have free and easy access at all times to permit proper operation, maintenance and if required, alteration, repair or replacement of water main and sewer facilities.

All other involved City department and privately owned utility companies have reported no objections to the encroachments or that satisfactory arrangements have been made. Where appropriate, provisions protecting utility installations are part of the resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW
By Council Member Scott:

Whereas, The Temporary Stairway system encroachment, into the right-of-way, will provide the required secondary means of egress for the Grand Circus People Mover station; and

Whereas, The "Detroit Transportation Corporation" request Detroit City Council approval of the temporary encroachment within the public right-of-way; and

Whereas, The temporary encroachment will end once the David Whitney Building renovations are completed; therefore be it

Resolved, That the City Engineering Division — DPW be and is hereby authorized and directed to permit the "Detroit Transportation Corporation" (DTC), 1420 Washington Blvd., 3rd FL., Detroit, Michigan 48226, to maintain the existing encroachment of a Temporary Stairway system within the south right-of-way of Park Avenue, 60 feet wide, between Washington Boulevard and Woodward Avenue, adjacent to property described as:

Land in the City of Detroit, Wayne County, Michigan, on the south side of Park Avenue, 60 feet wide, between Woodward Avenue and Washington Blvd.; lying northerly of and abutting the north line of Lot 21 of the 'Plan of Section Numbered Eight in the Territory of Michigan confirmed unanimously by the Governor and the Judges in the 27th Day of April 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board", as recorded in Liber 34, Page 543 Deeds, Wayne County Records;

The existing encroachment consists of a metal stairway system, 8 feet into the

Park Avenue right-of-way by approximately 33 feet;

Provided, That 10 feet of sidewalk space remains free and clear, between the encroachment and the curb; and further

Provided, The Detroit Water and Sewerage Department forces shall have free and easy access at all times to permit proper operation, maintenance and if required, alteration, repair or replacement of water main and sewer facilities; and further

Provided, That the "Detroit Transportation Corporation" understand that any and all claims, damages, or expenses that may arise by reason of the allowance of said encroachment be the responsibility of the "Detroit Transportation Corporation" and pay all claims, damages, or expenses that may also arise out of the maintenance of said encroachment; and further

Provided, That no other rights in the public right-of-way 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 "Detroit Transportation Corporation" at any time when so directed by the City Council, and that the public property so affected shall be restored to a condition satisfactory to the City Engineering Division — DPW by said "Detroit Transportation Corporation" at its expense and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council; and be it further

Provided, The installation and maintenance of any existing encroachments referred to herein shall be construed as acceptance of this resolution by the "Detroit Transportation Corporation", and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

June 21, 2002

Honorable City Council:

Re: Petition No. 396 — Sarafa & Yaladoo, P.C./Aziz Abouna, for encroachment in the area of Three Mile Drive and E. Warren.

Petition No. 396 of "Sarafa & Yaladoo, P.C." on behalf of Aziz Abouna at 16226 E. Warren, Detroit, Michigan 48224, request to install, maintain and use the existing parking bay within the Berm Area as private parking adjacent to property owned

by the petitioner.

The petition was referred to the City Engineering Division — DPW for investigation and report. This is our report.

All involved departments have approved the use of the Berm Area as private parking adjacent to property owned by the petitioner provided the area is developed according to plans approved by the City Engineering and the Traffic Engineering Divisions of DPW.

We are therefore, submitting the following resolution authorizing the use of the Berm Area for private use and recommend approval of same.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

City Engineering Division — DPW

By Council Member Tinsley-Talabi:

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to Sarafa & Yaldao, P.C. on behalf of Aziz Abouna at 16226 E. Warren, Detroit, Michigan 48224, maintain and use the existing parking bay within the Berm Area (the "Encroachment") as an encroachment, being within the following described property:

The Westerly 20.00 feet of Three Mile Drive, 100 feet wide, south of East Warren Avenue, 105 feet wide, lying easterly of and abutting the east line of Lot 224 of "Henry Russel's Three Mile Drive Subdivision No. 1" being that part of P.C. 391 lying North of center line of Mack Ave., City of Detroit, Wayne Co., Michigan, as recorded in Liber 46, Page 20, Plats, Wayne County Records;

Provided, Sarafa Yaldao, P.C. on behalf of Aziz Abouna (the "Permittee") shall apply to the City Engineering Division — DPW for a permit prior to any construction. Also, whenever it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for construction of the "Encroachment" such work shall be according to detailed permit application drawings prior to any public right-of-way construction; and further

Provided, The "Encroachment" shall be constructed and maintained under city Engineering Division — DPW rules and regulations; also in accord with plans submitted to and approved by these departments; including the Public Lighting Department (if necessary), the Water and Sewerage Department (if necessary), and the Traffic Engineering Division — DPW (if necessary); and further

Provided, That all costs for the construction, maintenance, permits and use of the existing parking bay within the Berm Area shall be borne by the "Permittee" or its assigns; and further

Provided, That all costs incurred by privately owned utility companies and/or city

departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the "Encroachment", shall be borne by the "Permittee" or its assigns. Should damages to utilities occur the "Permittee" or its assigns shall be liable for all incidental repair costs and waives all claims for damages to the "Encroachment", and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located within the public rights-of-way, by acceptance of this permission, the "Permittee" for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, or mains) waives all claims for damages to the "Encroachment" and agree to pay all costs incurred in their removal (or alteration), if removal (or alteration) becomes necessary; and further

Provided, That the "Permittee" shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance by the "Permittee" of the terms thereof. Further, the "Permittee" shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the "Encroachment"; and further

Provided, The property owned by the "Permittee" and the "Encroachment" shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said "Encroachment" shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW; and further

Provided, That the parking spaces shall not in any way waive the requirements of the Zoning Ordinance regarding off-street parking; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and the "Permittee" acquires no implied or other privileges hereunder not expressly stated herein; and further

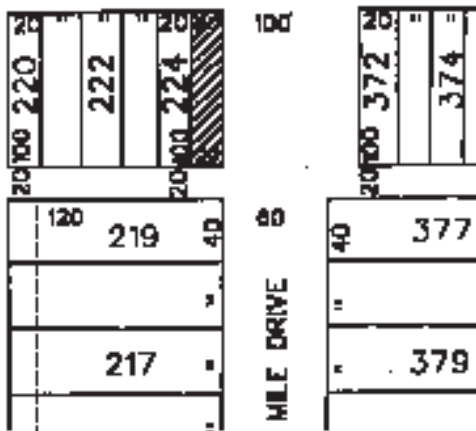
Provided, That the "Encroachment" permit shall not be assigned or transferred without the written approval of the City Council; and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

PETITION NO. 386
 SARIFA & YALDOD, P.C./AZIZ ABDUNA
 18226 E. WARREN DET., MI 48224
 (313)985-8730

E. WARREN AVE. 105 FT. WD.



NOTE: PARCELS 219 & 217 ARE PART OF THE SAME TRACT



PART OF PARCEL 224

DATE: MAY 28-86

SEE OFFICE FOR DETAILS

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| NO. | | | |
| DATE | | | |
| BY | | | |
| 6-28-86 | | | |

APPROVED: [Signature] TO CREATE
 PARCELS BY WITHIN THREE (3) MI.
 SOUTH OF E. WARREN

CITY OF DETROIT
 MAY 28 1986
 DEPT. OF PUBLIC WORKS
 ENGINEER