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said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; 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, Tinsley-Talabi, Watson, and President Mahaffey — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

July 21, 2004

Honorable City Council:

Re: Petition No. 3621 — Warrington Block Club, request for a temporary closure of public alleys in the area of West Seven Mile, Clarita, Livernois, and Warrington.

Petition No. 3621 of "Warrington Block Club" requesting the temporary closure of the North-South and a portion of the East-West, public alleys, 18 feet wide, in the block bounded by West Seven Mile Road, 86 feet wide, Clarita Avenue, 50 feet wide, Livernois Avenue, 120 feet wide, and Warrington Avenue, 50 feet wide, for a period of five (5) years.

The request was approved by the Traffic Engineering Division — DPW, and the Planning and Development Department. This petition was referred to the City Engineering Division — DPW for investigation and report. This is our report:

The Public Lighting Department (PLD) reports no objections to the proposed temporary closing of the alleys, however, PLD has a overhead primary (7200 volt) and street lighting circuit running in said alleys. PLD will remove the two lighting units (fixture and bracket arm) at no cost to the petitioner. The PLD requires 24-hour access to the area by crews and heavy vehicles for the maintenance of PLD facilities.

All other city departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities.

An appropriate resolution, containing the necessary conditions, is attached for consideration for your Honorable Body.

Respectfully submitted,

WILLIAM TALLEY

Head 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 "the abutting property owners and/or Warrington Block Club" to temporary close the North-South public alley, 18 feet wide, lying Westely of

and abutting the West line of Lots 131 through 141, both inclusive, and lying Easterly of and abutting the East line of Lots 148 through 158, both inclusive, all in the "Palmer Park Gardens Subdivision" of the North-West 1/4 of the North-West 1/4 of Section 10 Greenfield Township (now City of Detroit) Wayne County Michigan as recorded in Liber 30 Page 52, Plats, Wayne County Records, on a temporary basis to expire on August 1, 2009; and

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "the abutting property owners and/or Warrington Block Club" to temporary close the East-West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lot 148 and lying Southerly of and abutting the South line of the West 9.00 feet of Lot 144 and Lots 145 through 147, both inclusive, all in the "Palmer Park Garden's Subdivision" of the North-West 1/4 of the North-West 1/4 of Section 10 Greenfield Township (now City of Detroit) Wayne County Michigan as recorded in Liber 30 Page 52, Plats, Wayne County Records, on a temporary basis to expire on August 1, 2009; and

Provided, That the abutting property owners and/or Warrington Block Club shall hold the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and faithful or unfaithful performance by the abutting property owners and/or Warrington Block Club. Further, the abutting property owners and/or Warrington Block Club shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closings; and

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and

Provided, The abutting property owners and/or Warrington Block Club adjoining the temporary public alley closings shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the alleys; and

Provided, No buildings or other structures of any nature whatsoever (except necessary line fence), shall be constructed on or over the alleys. The abutting property owners and/or Warrington Block Club shall observe the rules and regulations of the City Engineering Division — DPW. The City of Detroit retains all rights and interests in the temporary closed public alley(s). The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporary closed public alley(s). Further, the petitioner shall comply with all specific conditions imposed to ensure unimpeded 24-hour-

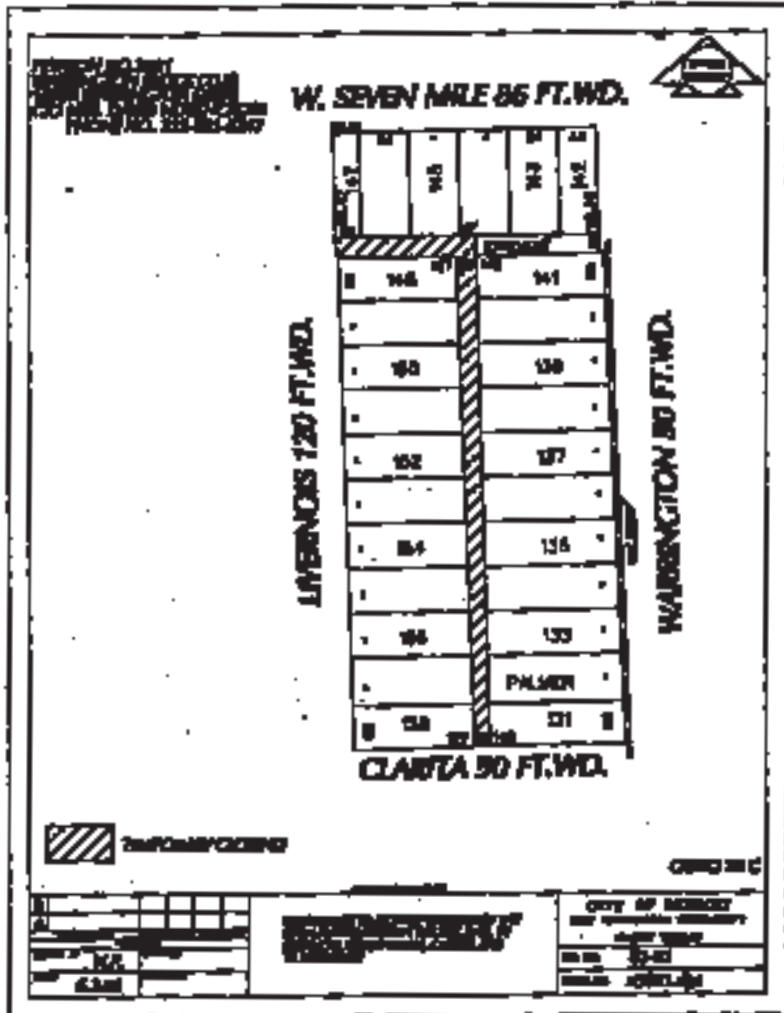
per-day access to the City and utility companies; and

Provided, All of the abutting property owners" and/or Warrington Block Club's public property fence and gate installations shall be subject to the review and approval of the City Engineering Division — DPW (if necessary, in conjunction with the Traffic Engineering Division — DPW, and the Planning and Development Department); and

Provided, This resolution does not permit the storage of materials, displays of

merchandise, or signs within the temporary closed public alley(s). Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the abutting property owners' and/or Warrington Block Club's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division — DPW by the abutting property owners and/or Warrington Block Club at



the abutting property owners' and/or Warrington Block Club's expense; and
Provided, The abutting property owners' and/or Warrington Block Club's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

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Provided, The abutting property owners and/or Warrington Block Club shall pay all Public Lighting Department expenses to reinstall alley light(s), if the alley is reopened for public use; and

Provided, This resolution is revocable at the will, whim or caprice of the City Council without causes. The abutting property owners and/or Warrington Block Club waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, This permit shall not be assigned or transferred without the written approval of the Detroit City Council.

Adopted as follows:

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

Nays — None.

**Department of Public Works
City Engineering Division**

July 21, 2004

Honorable City Council:

Re: Petition No. 2111 — The Original Church of God, requests for conversion of alley to easement in the area of 2580 Fullerton.

Petition No. 2111 of "The Original Church of God", requesting the conversion of the East-West open public alley, 18 feet wide, in the block bounded by Leslie Avenue, 50 feet wide, Fullerton Avenue, 50 feet wide, Linwood Avenue, 86 feet wide, and LaSalle Avenue, 50 feet wide into a private easement for utilities.

The request was approved by the Planning and Development Department, Solid Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

If the petitioner at any time plans to discontinue use of the paved alley entrance [into Linwood and LaSalle Avenue(s)], the petitioner shall pay all incidental removal costs.

All other city departments and privately owned utility companies have reported no objections to the conversion of the public right-of-way into private easement for utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
WILLIAM TALLEY
Head Engineer

City Engineering Division — DPW
By Council Member Tinsley-Talabi:

Resolved, All that part of the East-West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lots 214 through 240, both inclusive, and lying Southerly of and abutting the South line of Lots 241 through 267, both inclusive, all in the "Lathrup's Home Subdivision" of Southwest 1/4 of 1/4 Section 14, 10,000 Acre Tract, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 31, Page 8, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities of the full width of the 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 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 an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, 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 task, 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, retaining or partition walls, shall be built or placed upon said easements, nor change of surface grade made, without prior approval of the City Engineering Division — DPW.