

and report. Our report, accompanied by the original petition, is as follows:

All City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said alley or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
HERMAN T. DUDLEY
Director

Approved:

JAMES WATTS

Director of Environmental
Protection & Maintenance Dept.

By Council Member Mahaffey:

Resolved, That all that part of the north-south public alley, 18 feet wide, not previously vacated in the block bounded by Haverhill, Courville, Nottingham, and Beaconsfield, abutting the rear line of lots 16 and 17 of "Kirwin's Houston Subdivision", being part of lot 5, of the subdivision of the back concession of Private Claims 262 and 273, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 17, Plats, Wayne County records; and abutting the rear line of lots 176 and 177 and the southerly 7.0 feet of lot 175 inclusive of "Ruehle Harper Avenue Subdivision No. 1", of the east 14 acres of lot 5 Subdivision of Back Concession of Private Claims 262 and 272, Township of Gratiot, Wayne County, Michigan, as recorded in Liber 47, Page 68, Plats, Wayne County records;

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement 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 and easement or right of way over said vacated public alley hereinabove 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 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 Browne, Cleveland, Eberhard, Hood, Mahaffey, Rogell, and President Levin — 7.

Nays — None.

City Engineering Dept.

July 24, 1974

Honorable City Council:

Re: Petition No. 6853, Commercial Steel Treating Corporation, Conversion to Easement of the east-west and a portion of the north-south alleys in the block bounded by Carbondale, Military, Tireman, and Vancouver Avenues.

The above petition requests the conversion of the above described alleys, 15 and 14 feet wide, into an easement for public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department with the recommendation that sufficient land be dedicated for a new alley outlet into Carbondale. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

The petitioner has made the following deposits with the City Treasurer, which have been credited to the departments and accounts named, for the purposes indicated:

Public Lighting Department Fund 290-9423. Receipt No. A 2675. \$400.00. For the estimated cost to relocate lighting facilities.

Environmental Protection and Maintenance Department Permit Division. Permit No. GR 20784. \$675.00. For the estimated cost to construct a concrete alley return and grade and stone the newly dedicated alley outlet.

Intersection Fund 143-6241. Receipt No. A 2676. \$245.00. For the original cost of paving the streets at the intersection of the alleys to be vacated.

The petitioner has also requested that the paved returns at the entrance to the alleys to be vacated remain in their present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

The petitioner will issue a Warranty Deed with proof of ownership and payment of all taxes for the land necessary for the new alley outlet into Carbondale within 30 days after receiving a certified copy of this resolution.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-ways into easements provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

H. T. DUDLEY

Approved:

JAMES WATTS

Director of Environmental
Protection and Maintenance
Department

Director

By Council Member Mahaffey:

Resolved, That part of the east-west public alley, 14 and 15 feet wide, in the block bounded by Carbondale, Military, Tireman, and Vancouver, lying between and abutting the easterly line of Carbondale and the westerly line of Military having been platted in the following subdivisions:

"Scripp's Holden Avenue Subdivision" of Lot 2 of the Plat "B" of the Subdivision of the estate of John Strong, Private Claim 574, Greenfield Township (now Detroit) Wayne County, Michigan, as recorded in Liber 19, Page 67, Plats, Wayne County records; and

"Thomas V. Wreford's Subdivision" of Lot 5, north of Holden Avenue of the Subdivision of the north part of the east $\frac{1}{2}$ of Private Claim 574, Greenfield Township (now Detroit), Wayne County, Michigan, as recorded in Liber 9, Page 78, Plats, Wayne County records; and be it further

Resolved, That all that part of the north-south public alley, 14 feet wide, in the block bounded by Carbondale, Military, Tireman, and Vancouver, abutting the southerly 41.7 feet of the rear line of lot 186 of "Scripp's Holden Avenue Subdivision" as recorded in Liber 19, Page 67, Plats, Wayne County records, and abutting the rear line of lot 80 and the southerly 22.47 feet of lot 79 of Thomas V. Wreford's Subdivision of Lot 5, as recorded in Liber 9, Page 78, Plats, Wayne County records,

Be and the same are hereby vacated as public alleys and are hereby con-

verted into public easements of the full width of the alleys, which easements 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 alleys, 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 alleys hereinabove described for 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 easements 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 easements, 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 alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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; and be it further

Resolved, That the petitioner shall, within 30 days of receipt of a copy of this resolution, deed to the City of Detroit the following property to be used for alley purposes:

The south 20 feet of the north 25 feet of Lot 186, Scripp's Holden Avenue Subdivision of Lot 2 as recorded in Liber 19, Page 67 of Plats, Wayne County records, and be it further

Resolved, That said deed shall be accompanied by proof of ownership and proof of payment of all taxes.

Adopted as follows:

Yeas — Council Members Browne,

Cleveland, Eberhard, Hood, Mahaffey,
Rogell, and President Levin — 7.
Nays — None.

**Environmental Protection
& Maintenance Department**

June 24, 1974

Honorable City Council:

Re: Petition No. 747—Kay Tile Co. to
use Berm Area for parking at the
southwest corner of Evergreen
and Seven Mile Road.

In compliance with policy adopted by your Honorable Body on August 24, 1972, (J.C.C. pp. 2195-97) concerning use of berm areas for parking of motor vehicles, the Department of Public Works has consulted with the City Plan Commission, Corporation Counsel, Community Development Commission, and the Department of Streets and Traffic regarding the above petition.

All departments have approved the use of the berm area for public parking. Petitioner is to provide necessary concrete curb stops to prevent vehicular traffic from crossing the sidewalk. The parking will be parallel to the curb and use the 13 feet immediately behind the curb.

We are, therefore, submitting the following resolution authorizing the use of the berm area and recommend approval of same.

Respectfully submitted,

JAMES W. WATTS
Commissioner

By Council Member Eberhard:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to the Kay Tile Company to use the easterly thirteen (13) feet of the berm area on Evergreen Avenue at the side of 20019 West Seven Mile Road, Detroit, Michigan, for off-street parking, said parking to be parallel to the curb,

Provided, That the necessary permits be obtained from the Department of Public Works; and

Provided, That such use of said public property shall be made under the rules and regulations of the Department of Public Works and the Department of Streets and Traffic in accordance with plans approved by those departments, the Community Development Commission, and the City Plan Commission; and

Provided, That permittee install pre-cast concrete curb stops 13 feet west of and parallel to the curb; and

Provided, That said permission may be rescinded at any time it is deemed necessary by Department of Streets and Traffic, and further, that the issuance of the permits shall not in any way waive the rights of the City to utilize the area for street widening or other purposes as may become necessary in the future; and

Provided, That the Department of Streets and Traffic post signs limiting parking to non-commercial vehicles; and

Provided, That all construction costs be borne by permittee; and

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

Provided, That the berm area shall be open to the general public and shall not be reserved for the specific use of any certain establishment or establishments and/or their customers; and

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission, which is granted expressly on the condition that said encroachment and all obstructions in connection therewith shall be removed at the expense of the permittee at any time when so directed by the Common Council, and that the public property affected shall be restored to a condition satisfactory to said Departments by side permittee at its expense; and

Provided, That this resolution is revocable at the will, whim or caprice of the Common Council and permittee hereby expressly waives any right to claim damages or compensation for removal of encroachment; and further, that permittee acquire no implied or other privileges hereunder not expressly stated herein, and

Provided, That these permits shall not be assigned or transferred without written approval of the Common Council; and

Provided, That the area be subject to any tax which may be levied against it under the terms of Public Act 189 of 1953 and such other taxes as may be properly assessed and levied; and

Provided, That the securing of the necessary permits referred to herein shall be construed as acceptance of the terms of this resolution by the permittee; and

Provided, That a certified copy of this resolution be recorded with the office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Hood, Mahaffey, Rogell, and President Levin — 7.

Nays — None.

**Environmental Protection &
Maintenance Department**

July 3, 1974

Honorable City Council:

Re: Petition of the Northwestern
Community Baptist Church, et al
(979) to use Berm Area for off-
street parking on the north side
of Puritan between Lauder and
Marlowe.

In compliance with policy adopted by your Honorable Body on August 24, 1972, (J.C.C. Pages 2195 to 2197) concerning use of berm areas for off-street parking of motor vehicles, the Department of Public Works has con-