

FIRST, said owners hereby grant to and for the use of the public easements or rights of way over said vacated public street hereinabove described for the purposes of installing, repairing, maintaining, 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 street 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 easements, nor any change of surface grade made, without prior approval by the Department of Public Works.

THIRD, that if at any time in the future the owners of any lots abutting on said vacated street 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 — Councilmen Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

**Department of Public Works**

March 8, 1974

Honorable Common Council:

Re: Petition 7320, Model Neighborhood Drug Abuse Program, etal, Vacation of the remaining portion of Wabash and a portion of the east-west alley in the block bounded by Fourteenth, Fenkell, and the Lodge Freeway.

The above petition requests the vacation of the above described street and alley. The requested vacations were approved by the City Plan Commission. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public alley to be vacated.

All other involved City departments and privately owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
**JAMES W. WATTS**  
 Commissioner

By Councilman Hood:

Resolved, That all that part of Wabash Avenue, 60 feet wide, lying between and abutting the northerly line of Fenkell Avenue and the southerly line of the Lodge Freeway as platted in the Dumont Subdivision, part of the Southwest ¼ of Section 14, T.1.S., R.11.E., Detroit, Wayne County, Michigan, as recorded in Liber 29, Page 9, Plats, Wayne County records,

Be and the same is hereby vacated as a public street to become a part and parcel of the abutting property; and be it further

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Fenkell, Fourteenth, and the Lodge Freeway lying between and abutting the westerly line extended of lot 91 and abutting the westerly line of the Lodge Freeway Right of Way, all inclusive of the Dumont Subdivision as recorded in Liber 29, Page 9, Plats, Wayne County records

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property, subject to the following provisions:

Provided, That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and, at all times, shall have the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same, and further

Provided, That no building shall be constructed over said sewers without the prior approval of such building construction by the Sewer Services Section of the Detroit Metro Water Department and the Department of Buildings and Safety Engineering, and further

Provided, In the event that the sewer located or to be located in said property shall break, causing damage to any construction, property or materials above, the petitioners and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

Provided, That if the sewer 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 any construction not in accordance with Provision 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 sewer; and shall also be liable for all claims for damages resulting from his action.

Adopted as follows:

Yeas — Councilmen Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

Department of Public Works

March 11, 1974

Honorable Common Council:

Re: Petition No. 7139 — U.S. Truck Company, Inc. Use of Berm Area for Off-Street Parking, Twenty Third north of Ruskin.

In compliance with policy adopted by your Honorable Body on August 24, 1972 (JCC Pages 2195-97) concerning use of berm areas for off-street 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 private parking. The petitioner is to enter into an Occupancy Agreement with rental fee in accordance with requirements of the Community Development Commission.

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 Councilman Hood:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to the U.S. Truck Company, Inc. to use the easterly 9 feet of the street right of way of Twenty Third Street, between Ruskin Avenue and the east-west alley first north of Ruskin Avenue for off-street parking of company vehicles,

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

Provided, That permittee at the time of obtaining said permits file with the City Controller an indemnity agreement in form approved by the Corporation Counsel, 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 terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said permission; 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 the petitioner enter into an Occupancy Agreement on a basis of a rental fee of \$40.00 per month for a period of three years; and

Provided, That the Community Development Commission is hereby authorized and directed to negotiate said Agreement; and

Provided, That the Corporation Counsel is hereby directed to prepare said agreement; and

Provided, That the Controller is hereby authorized and directed to sign said Agreement, and be it

Resolved, That said Agreement be considered confirmed when signed and executed by the Controller and approved as to form and execution by the Corporation Counsel, and be it further

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 purpose as may become necessary in the future; and

Provided, That the area will be paved in concrete or asphalt, and

Provided, The remaining 3 feet behind the curb will either be paved or maintained with grass, and

Provided, No drainage will be allowed to flow across this strip to the existing street pavement, and

Provided, Bumper posts will be furnished in the 9 foot strip to prevent the fence from being damaged or bent into street right of way, and

Provided, General area will be cleaned up and maintained in a neat and orderly manner, and

Provided, That all construction costs will 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 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 acquires no implied or other