

PROVIDED, That permittee at the time of obtaining said permit file with the Finance 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 permit 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 encroachments; 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 shall be removed at the expense of the permittee at any time when so directed by the City Council, and that the public property affected shall be restored to a condition satisfactory to said department by said permittee at its expense; and;

PROVIDED, That this resolution is revocable at the will, whim or caprice of the City 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 privileges hereunder not expressly stated herein; and

PROVIDED, That this permit shall not be assigned or transferred without the written approval of the City Council; and

PROVIDED, That the filing of the indemnity agreement and 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 shall be recorded with the Office of the Register of Deeds for Wayne County by and at permittee's expense.

Approved:

KERMIT G. BAILER

Corporation Counsel

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Kelley, Rogell, and President Pro Tem Hood — 7.

Nays — None.

\*RECONSIDERATION (No. 6), per motions before adjournment.

City Engineering Department

May 9, 1975

Honorable City Council:

Re: Petition No. 259, Community & Economic Development Department, Alley Vacations in Milwaukee Junction Project No. 2.

We wish to advise that in carrying out the development plan for the area known as the Milwaukee Junction Project No. 2, which is being undertaken by the City pursuant to Act 344 of the Public Acts of 1945 as amended, the Community and Economic Development Department has

requested that certain alleys be vacated.

Subsequently, the petitioners have requested that the petition be changed from the vacation of the alleys to a request for the conversion of same to easements for public utilities. This change is in accordance with the Modified Right of Way Adjustment Plan for the project.

The petitioner has agreed to issue Interdepartmental Purchase Orders for the following:

Public Lighting Department: For the estimated cost to relocate overhead lighting facilities from the alleys to be vacated. \$1,000.00.

Environmental Protection and Maintenance Department — Intersection Fund: For the original cost of paving the streets at the intersection with the alleys to be vacated. \$930.00.

The petitioner has requested that the paved returns at the entrance to the alleys to be vacated be removed and new sidewalk and curb be constructed by private contract; the City Engineering Department has no objection provided the work is done under City permit and inspection and according to City Engineering Department specifications with the entire cost being borne by the petitioner.

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

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,

HERMAN T. DUDLEY

Director

Approved:

JAMES W. WATTS, Director  
Environmental Protection & Maintenance Dept.

By Council Member Cleveland:

Resolved, That all that part of the north-south public alley, 18 feet wide, in the block bounded by Russell, Riopelle, Frederick, and Kirby Avenues; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Russell, Riopelle, Frederick and Kirby Avenues; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Riopelle, the Grand Trunk Railroad Right of Way, Frederick, and Kirby,

All of the above alleys appear in the following subdivisions:

"Patrick's Subdivision" of lots 21, 22, 23, 24, 37, 38, 39, 40, and 18.6 feet of Lot 44 including vacated alley north of lots 21, 22, 23, and 24 and south of lots 37, 38, 39, 40 of the Subdivision of Outlots 7, 8, and 9, Guoin Farm, north of Gratiot Road, Detroit, Wayne County, Michigan, as recorded



in Liber 9, Page 67, Plats, Wayne County records; and

"Plat of the Subdivision of Outlots 7, 8, and 9, Guoin Farm" north of Gratiot Road, T.2S., R.12E., City of Detroit, Wayne County, Michigan, as recorded in Liber 7, Page 15, Plats, Wayne County Records; and

"Andrus and Warren Subdivision" of part of the Riopelle Farm between Farnsworth Street and Ferry Avenue, Detroit, Wayne County, Michigan, as recorded in Liber 16, Page 2, Plats, Wayne County records;

Be and the same are hereby vacated as public alleys and are hereby converted 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 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 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 removal of the paved alley returns, construction of new sidewalk and curb be done by private contract under City permit and inspection, according to City Engineering Department specifications with the entire cost being borne by the petitioner.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Kelley, Rogell, and President Pro Tem Hood — 7.

Nays — None.

\*RECONSIDERATION (No. 7) per motions before adjournment.

#### Department of Transportation

April 29, 1975

Honorable City Council:

Re: Ginny O'Grady vs. City of Detroit, D.O.T., No. 74-020-808-NI; Solomon D. Anderson, III, vs. City of Detroit, D.O.T., No. 72-210-820-NI; Thelma Walton & Donald Walton vs. City of Detroit, D.O.T., No. 226-235-NI; Mildred Thomas, Frederick Thomas and Zurich American Insurance Co. vs. City of Detroit, D.O.T., No. 72-220-583.

We have reviewed the above captioned suits, the facts and particulars of which are set forth in the attached memoranda. From this review, it is our considered opinion that settlements in the following amounts are in the best interest of the City of Detroit.

Ginny O'Grady vs. City of Detroit, D.O.T., \$8,000.00.

Solomon D. Anderson, III, vs. City of Detroit, D.O.T., \$1,000.00.

Thelma Walton and Donald Walton vs. City of Detroit, D.O.T., \$475.00.

Mildred Thomas and Frederick Thomas vs. City of Detroit, D.O.T., \$3,082.50.

Zurich American Insurance Co. vs. City of Detroit, D.O.T., \$625.49.

We, therefore, request your Honorable Body to authorize and direct the Department of Transportation to issue drafts in the amounts of:

\$8,000.00 payable to Ginny O'Grady, plaintiff and plaintiff's attorneys, Begole, Lukomski, Maddock and MacDonald.

\$1,000.00 payable to Solomon D. Anderson, III, plaintiff and plaintiff's attorneys, Zeff and Zeff.

\$475.00 payable to Thelma Walton and Donald Walton, plaintiffs and plaintiffs attorneys, Bogos & Bogos.

\$3,082.50 payable to Mildred Thomas, Frederick Thomas, plaintiffs and plaintiffs attorney, Gerald J. Gattorn.

\$625.49 payable to Zurich American Insurance Co., plaintiff and plaintiff's attorney, Gerald J. Gattorn.

The above to be delivered upon receipt of properly executed releases and discontinuance of the lawsuit or Satisfaction of Judgment.