

By Council Member Hood:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to Ralph Shrader, Inc. at 3459 Lovett to use the berm area in front of the above address for a distance of 40 feet north of the east-west alley south of Torrey Avenue for the purpose of customer parking and according to City Engineering Department drawing No. X-1180,

PROVIDED, That the necessary permits be obtained from the Environmental Protection and Maintenance Department; and

PROVIDED, That permittee at the time of obtaining said permits file with the Finance Department an indemnity agreement in form approved by the Law 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 permits 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 permission; and

PROVIDED, That such use of said public property shall be made under the rules and regulations of the City Engineering Department and the Department of Transportation in accordance with plans approved by those departments and the Community and Economic Development Department; and

PROVIDED, That the petitioner enter into an Occupancy Agreement on a basis of a rental fee of \$100.00 per year including taxes and to cover a period of three years; and

PROVIDED, That the Community and Economic Development Department is hereby authorized and directed to negotiate said Agreement; and

PROVIDED, That the Law Department is hereby directed to prepare said agreement; and

PROVIDED, That the Finance Director 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 Finance Director and approved as to form and execution by the Law Department; and be it further

PROVIDED, That said permission may be rescinded at any time it is deemed necessary by the Department of Transportation, and further, that the issuance of the permits shall not in any way waive the rights of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, Concrete wheel stop shall be installed parallel to the curb and 11 feet from curb to prevent vehicular encroachment onto walk; all

in accordance with said drawing No. X-1180, 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 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 these permits shall not be assigned or transferred without written approval of the City Council; 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 by and at permittee's expense.

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 City Council, and that the public property affected shall be restored to a condition satisfactory to said Departments by said permittee at its expense.

Adopted as follows:

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

Nays — None.

City Engineering Department

May 22, 1975

Honorable City Council:

Re: Petition No. 959 and 660 — Reaves Owens, et al. Conversion to Easement of the east-west alley, south of Curtis between Strathmoor and Mark Twain and an encroachment into same.

The above petition requests the conversion of the above described 20 foot wide alley into an easement for public utilities and an encroachment into same to maintain a garage and driveway constructed therein.

The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. The petition was then referred to us for investigation 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 and encroachment therein or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

H. T. DUDLEY

Director

Approved:

JAMES WATTS

Director

Environmental Protection
& Maintenance Dept.

By Council Member Rogell:

RESOLVED, That all that part of the east-west public alley, 20 feet wide, in the block bounded by Strathmoor, Mark Twain, Thatcher, and Curtis having been platted in the "Marygrove-Outer Drive Park," a subdivision of part of the west $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of Section 7, T-1-S, R-11-E, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 58, 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 an 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 or 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, and be it further

RESOLVED, That the Environmental Protection and Maintenance Department is hereby authorized and directed to issue a permit to:

Mr. Reaves Owens to maintain a garage and driveway which encroaches 6 feet into the southerly 10 feet of the above described easement located at the side of lot 269 of the above subdivision on the west side of Mark Twain south of Curtis commonly known as 18081 Mark Twain,

PROVIDED, That said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the petitioner's expense in the Office of the Register of Deeds for Wayne County; and further

PROVIDED, That no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the garage, driveway, building and all obstruction in connection therewith shall be removed at the expense of the grantee at any time when so directed by the City Council; and further

PROVIDED, If at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said easement by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Department at the owner's expense; and further

PROVIDED, That this resolution is revocable at the will, whim or caprice of the City Council, and the grantee by the acceptance of this permission waives any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and he acquires no implied nor any other privileges not expressly stated herein.

Adopted as follows:

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

Nays — None.