

County Register of Deeds, by and at the permittee's expense, and further

PROVIDED, That no building or other structure is constructed in said alley; that petitioner shall observe the rules and regulations of the Environmental Protection and Maintenance Department, and further subject to the following provisions:

The City of Detroit retains all rights and interests in the area herein temporarily closed;

The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed street; and further

PROVIDED, That at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the Environmental Protection and Maintenance Department, by and at the permittee's expense, and further

PROVIDED, This resolution is revocable at the will, whim or caprice of the City Council, and further, that grantee acquires no implied or other privileges hereunder, not expressly stated herein.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Henderson, Kelley, Mahafey, and President Levin — 6.

Nays — None.

Motions before Adjournment.

*RECONSIDERATION (No. 5), per Motions before Adjournment.

Environmental Protection & Maintenance Department

April 5, 1977

Honorable City Council:

Re: Petition No. 4530. Winston

Brothers Iron and Metal Company, Conversion to Easement of Armada between Conant and Ryan and the north-south alley first east of Conant between Nancy and Armada and the right to encroach thereon with a scale pit.

The above petition requests the conversion of the above described portion of street and alley into an easement for public utilities and further that they be granted permission to construct a truck scale pit encroachment on the easement.

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:

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated.

EPMD — Intersection Fund, \$840.00. Receipt No. B 30909. For the

original cost of paving Conant Avenue at the intersection of the street to be vacated.

The petitioner has also requested that the paved return at the entrance to Armada at Conant remain in its 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.

There are no objections to the construction of a truck weighing scale provided it is built as presented on the petitioner's building plans.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion 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,

JAMES W. WATTS

Director

By Council Member Kelley:

Resolved, That all that part of Armada Avenue, 50 feet wide, between Conant and Ryan Avenues lying northerly of and abutting the northerly line of Lots 51 to 65 and the northerly line of the public alley, 20 feet wide, between lots 51 and 52; and lying southerly of and abutting the southerly line of Outlot A except the easterly 118 feet thereof all of the above having been platted in the Ryan Park Subdivision of part of the southeast ¼ of Fractional Section 7, T.1S., R.12E., City of Detroit, Wayne County, Michigan, as recorded in Liber 50, Page 30, Plats, Wayne County records; and

All that part of the north-south alley, 20 feet wide, in the block bounded by Conant, Ryan, Nancy, and Armada Avenues abutting the rear line of lots 47 to 51 all inclusive of the above mentioned subdivision;

Be and the same are hereby vacated as public street and alley and are hereby converted into public easements of the full width of the street and 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 street and 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 street and 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 street and 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 Environmental Protection and Maintenance Department.

Third, that if at any time in the future the owners of any lots abutting on said vacated street and 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 be and it is hereby authorized and directed to issue a permit to the Winston Brothers Iron and Metal Company to construct a weigh scale which encroaches into the easement created by the vacation of Armada above described as being a part of the Ryan Park Subdivision recorded in Liber 50, Page 30, Plats, Wayne County records,

Provided, the dimensions of said pit shall be as shown on the plans prepared by Harold Radin, Architect, revised on September 22, 1976, Job No. 6150, page 1 and shall be located 27 feet northerly of the southerly line of Armada, 50 feet wide, and 25 feet easterly of the easterly line of Conant Avenue, 76 feet wide, and

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 driveway 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 by their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Environmental Protection and Maintenance 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 grantees by the acceptance of this permission waive any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein, and be it further

Resolved, That if at any time in the future it becomes necessary to remove the paved street return at the entrance to Armada from Conant, such removal will be done under City permit and inspection and according to Environmental Protection and Maintenance Department specifications with the entire cost borne by the petitioner; also

Resolved, That the fire hydrant located in vacated Armada be maintained by the petitioner and that there be no storage of material or fences erected within 15 feet of said hydrant, also

Resolved, That the City Clerk is hereby authorized and directed to send a copy of this resolution to the Detroit Edison Company, the Michigan Consolidated Gas Company, and the Michigan Bell Telephone Company.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Henderson, Kelley, Mahaffey, and President Levin — 6.

Nays — None.

*RECONSIDERATION (No. 6), per Motions before Adjournment.

Department of Transportation

March 16, 1977

Honorable City Council:

Re: Woodward Mall — Permanent closing of Woodward, Michigan to Adams, to all traffic except buses; and the permanent closing of Campus Martius from Monroe to Woodward to all traffic.

On or about April 1, 1977, the first phase for the construction of the