

Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.  
Nays — None.

**Environmental Protection & Maintenance Department**

February 15, 1978

Honorable City Council:

Re: Petition No. 5175. Philip K. Mebus, Jr. Conversion to Easement of the remaining portion of Waterloo west of Bellevue and the alleys south of Vernor Highway between Beaufait and Bellevue.

The above petition requests the conversion of the above described portion of street and alleys into an easement for public utilities. 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 requested that the paved return at the entrance to Waterloo remain in its present status as the petitioner plans to utilize same, and has agreed to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

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 McFadden:

**RESOLVED**, That all that part of Waterloo Avenue, 50 feet wide, not previously vacated between Beaufait and Bellevue Avenues that being the easterly 173.44 feet of said street abutting the westerly line of Bellevue having been platted in Dupont's Subdivision of the north ½ of Lot 21, Meldrum Farm, Lots 81, 82, 83, and 84, Subdivision of Lot 5, also part of Lot 4, Beaufait Farm, Detroit, Wayne County, Michigan, as recorded in Liber 3, Page 49, Plats, Wayne County records, also

All that part of the north-south and east-west public alleys, 10 feet wide, lying southerly of Waterloo Avenue, between Beaufait and Bellevue, as platted in the above mentioned subdivision; also

All that part of the north-south public alley, 10 feet wide, in the block bounded by Beaufait, Bellevue, Waterloo and Vernor Highway as platted in the above mentioned subdivision

Be and the same are hereby vacated as public street and alleys and are hereby converted into public easements of the full width of the street and 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 street and 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 street and 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 street and alleys 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 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 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 if at any time in



the future it becomes necessary to remove the paved street return and construct new curb and sidewalk, the cost of such removal and construction shall be borne by the petitioner, his administrators or his assigns; and be it further

RESOLVED, That the City Clerk is directed to mail a copy of this resolution to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company.

Adopted as follows:  
Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.  
Nays — None.

**Environmental Protection & Maintenance Department**  
February 13, 1978

Honorable City Council:  
Re: Petition No. 5003. Lupi Super Drugs — 20516 Schaefer. Request to use Berm Area for Off-Street Parking.

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 Environmental Protection and Maintenance Department has consulted with the Community and Economic Development Department, the Law Department, and the Department of Transportation regarding the above petition.

All Departments have approved the use of the berm area for private parking.

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

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

By Council Member McFadden:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to Lupi Super Drugs to use the paved berm area on the east side of Schaefer south of Eight Mile Road in front of 20516 Schaefer for the purpose of customer parking.

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 files 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 Division EPMD, and the Department of Transportation in accordance with plans approved by those departments and the Community and Economic Development Department; and

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, 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 the 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.