

permission to maintain a masonry wall of 0.66 feet thick which encroaches 1.3 feet into the right-of-way of Lawndale Avenue in front of 2109 Lawndale.

All City departments and private utility companies have replied that they will be unaffected by the encroachment.

This encroachment is permissible under Ordinance No. 224-F which covers encroachments between the property line and the sidewalk. An appropriate resolution with the necessary provisions is attached for consideration by your Honorable Body.

Respectfully submitted,
LOUIS W. KLEI
 City Engineer

Approved:
JAMES W. WATTS
 Director of Environmental
 Protection and Maintenance
 Department

By Council Member Eberhard:

Resolved, that the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to Mr. Aaron C. Atnip to maintain a masonry wall which encroaches 1.3 feet into the right-of-way of Lawndale Avenue, 66 feet wide, in front of Lot 161 of Van Winkles Subdivision as recorded in Liber 20, Page 36, Plats, Wayne County records, being south of Vernor Highway and on the west side of Lawndale, commonly known as 2109 Lawndale,

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Provided, that said permission may be rescinded at any time it is deemed necessary by the Department of Transportation, and further, that the issuance of the permits shall not in any way waive the rights of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 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 acquire 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 right 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 Department by said permittee at its expense.

Adopted as follows:

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

Nays — None.

Environmental Protection & Maintenance Department

September 22, 1978

Honorable City Council:

Re: Petition No. 6139, Packard Properties Company. Vacation and Conversion to Easement of portions of the north-south alley in the block bounded by Concord, Canton, Medbury and Lambert.

The above petition requests the vacation and conversion of easement of part of the north-south alley in the above block. The requested vacation and conversion 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:

Public Lighting Department Receipt No. C 1463 \$4,000.00 for the estimated cost to remove lighting facilities.

The necessary language is included

in the attached resolution which authorizes the relocation of a portion of the sewer which is presently located in the portion of alley to be outright vacated.

Also, the consent of the owners of Lot 52, Theodore and Ada Renfroe, is conditional as indicated in their consent letter signed September 12, 1978 which states, "We, Theodore Renfroe and Ada Renfroe, agree to the vacation of the above alley and its conversion to an easement provided that petitioner agrees to place his fence on the south side of our property, leaving a ten (10') foot unimproved parcel so that we may have access to the rear of our lot for the possible construction of a garage."

All other City departments and privately-owned utility companies reported that they will be unaffected by the vacation and conversion to an easement of said alley or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS
Director

By Council Member Eberhard:

Resolved, that all that part of the north-south public alley, 18 feet wide, in the block bounded by Concord, Canton, Medbury and Lambert lying between and abutting the rear line of lots 17 to 20 and lots 29 to 32 of Shepard's Subdivision of the north 4 acres of Lot 10, Private Claim 573, North of Gratiot Avenue, as recorded in Liber 18, Page 69, Plats, Wayne County records; and abutting the rear line of Lots 44 and 45 of the Belt Line Subdivision of the northwesterly part of Private Claim 678 as recorded in Liber 12, Page 82, 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; and be it further

Resolved, that all that part of the north-south public alley, 18 feet wide, in the block bounded by Concord, Canton, Medbury and Lambert lying between and abutting the rear line of lots 31 to 43 and lots 46 to 58 inclusive of the Belt Line Subdivision as recorded in Liber 12, Page 82, 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 Environmental Protection and Maintenance Department.

THIRD, that if at any time in the future the owners of 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 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 Detroit Water and Sewerage Department be and is hereby authorized to review the Petitioner's drawings for the proposed lateral sewer relocation, to prepare the necessary specifications, and to issue a permit to the Petitioner to cover the relocation of a portion of the lateral sewer in the alley to be vacated. Be it further

Resolved; that the entire work is to be performed in accordance with

plans and specifications approved by the Detroit Water and Sewerage Department and constructed subject to the inspection and approval of the Detroit Water and Sewerage Department. Be it further

Resolved, that the entire cost of the sewer relocation, including inspection, survey and any engineering shall be borne by the Petitioner, and be it further

Resolved, that the Petitioner shall deposit with the Detroit Water and Sewerage Department in advance of engineering, inspection and survey, such amounts as that Department deems necessary to cover the cost of these services. Be it further

Resolved, that the Petitioner furnish to the Detroit Water and Sewerage Department a synthetic (Mylar) reproduction of the sewer drawing for their records and files. Be it further

Resolved, that upon satisfactory completion of the lateral sewer relocation, the relocated sewer shall revert to the City and become part of the City Sewer System. Be it further

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

October 3, 1978

Honorable City Council:

Re: Petition No. 780, Mr. Harry Cushard. Request to construct garage encroaching into easement.

Your Committee of the Whole referred the above petition to this office for investigation and report. The Environmental Protection and Maintenance Department has made a field investigation of petitioner's request. Our findings are as follows:

Petitioner's lot is 122 feet deep which dimension includes a 9 foot easement at the rear. Petitioners wishes to construct a garage which will encroach 4 feet into the easement.

We find that the above request for permission to encroach into the easement complies with the policy adopted by your Honorable Body on February 23, 1965, J.C.C. Page 348 and 349. An appropriate resolution is at-

tached for consideration and adoption by your Honorable Body.

Respectfully submitted,

LOUIS W. KLEI

City Engineer

By Council Member Hood:

Resolved, that the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to Mr. Harry Cushard, Petition No. 780, to construct a garage which will encroach 4 feet into the 9 foot wide easement at the rear of Lots 187 and 188 of Terne's Seven Mile Drive Sub-division of part of P.C. 231, City of Detroit, Wayne County, Michigan, as recorded in Liber 56, Page 85, Plats, Wayne County records, being on the north of Glenwood, west of Kelly, commonly known as 15763 Glenwood;

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 Common 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 Department of Public Works at the owners' expense; and further

Provided, that this resolution is revocable at the will, whim, or caprice of the Common 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 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.

Adopted as follows:

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