

mains, sewers, gas lines or mains, telephone, electric light conduits or things usually placed or installed in a public street 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 shall request the removal and/or relocation of any existing utilities in said easement, such owners, upon whose property the 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 pursuant to the agreement reached between the Board of Education and the Fire Department, all hydrant work will be done by private contract under City permit and inspection and according to the Water and Sewerage Department specifications with the entire cost being borne by the Board of Education; and be it further

RESOLVED, that the removal of the paved street returns, construction of new curbs and sidewalks be done by private contract under City permit and inspection and according to EPMD specifications with the entire cost being borne by the Board of Education; any ponding of water by the above construction or future grade changes will be cause for the construction or future grade changes will be cause for the construction of catch basins or regrading at the expense of the Board of Education; and be it further

RESOLVED, that the City Clerk is hereby directed to send 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 and
Maintenance Department**

January 13, 1978

Honorable City Council:

Re: Petition No. 6178 — Grand Trunk Western Railroad. Vacation of Guoin Street, easterly of Rivard.

The above petition requests the vacation of Guoin Street, easterly of Rivard Street. The requested vacation 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 vacation of said street or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
JAMES W. WATTS,
Director

By Council Member Cleveland:

RESOLVED, That all that part of Guoin Street, lying easterly of Rivard Street as opened through Private Claims, 181, 7, and 132 in the "Plat of the proposed extension of Pine Street (now Guoin Street) to Guoin Street as recorded in Liber 10, Pages 17 and 18, City records, more properly described as:

Beginning at a point N-26°17'33"-W 186.96 feet from the northeast corner of Rivard Street and Atwater Street (50 feet wide) along the easterly line of Rivard Street; thence N-59°51'18"-E, 474.83 feet along the northerly line of Guoin Street; thence S-26°58'02"-E, 38.66 feet to the southerly property line of Guoin Street; thence S-59°51'18"-W, 475.28 feet along the south property line of Guoin Street to the easterly line of Rivard Street; thence N-26°17'33"-W, 38.69 feet along easterly line of Rivard Street to the point of beginning.

Be and the same is hereby vacated as a public street to become a part and parcel of the abutting property.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley,

January 25

1978

Mahaffey, McFadden, Rogell, and
President Henderson — 9.
Nays — None.

**Environmental Protection &
Maintenance Department**

January 13, 1978

Honorable City Council:
Re: Petition No. 4314—Mr. H. R. Belton. Request to Maintain a Garage Encroaching into easement at 19790 Appoline.

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 the petitioner's request. Our findings are as follows:

The petitioner's lot is 117 feet deep and 48.5 feet wide, which dimensions include an 8 foot easement at the rear and side. The petitioner wishes to maintain a garage which encroaches 4 feet into the side easement and 1 foot into the rear 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. Pages 348 and 349. An appropriate resolution is attached for consideration and adoption by your Honorable Body.

Respectfully submitted,

JAMES W. WATTS
Director

By Council Member Cleveland:

RESOLVED, That the Environmental Protection and Maintenance Department is hereby authorized and directed to issue permits to Mr. H. R. Belton, Petition No. 4314, to maintain a garage which encroaches 4 feet into the side easement, 8 feet wide, and 1 foot into the rear easement, 8 feet wide, abutting Lot 1003 of "Greenwich Park" a subdivision of the southwest ¼ of Section 5, T.1S., R.11E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 41, Page 28, Plats, Wayne County records; located on the east side of Appoline, south of Pembroke, commonly known as 19790 Appoline,

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 Environmental Protection and Maintenance Department at the owners'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, of 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.

Nays — None.

**Environmental Protection &
Maintenance Department**

January 13, 1978

Honorable City Council:
Re: Petition No. 2849, R. J. Sercombe.

Request to Maintain a 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 the petitioner's request. Our findings are as follows:

The petitioner's lot is 113 feet deep, which dimension includes a 6 foot easement at the rear. The petitioner wishes to maintain a garage which encroaches 2 feet into the easement.

The garage immediately to the rear is 3 feet away from 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, 1967, J.C.C. Pages 348 and 349. An appropriate resolution is attached for consideration and adoption by your Honorable Body.

Respectfully submitted,

JAMES W. WATTS
Director