

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,
LOUIS W. KLEI,
City Engineer

Approved:
JAMES W. WATTS
Director

By Council Member Kelley:

Resolved, that the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to Kabaco Tools, Inc., to use the berm area on the west side of Derby Avenue between Eight Mile Road and the alley south of Eight Mile Road, for the purpose of private off-street 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 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 the petitioner enter into an Occupancy Agreement on a basis of a rental fee of \$300.00 per year including taxes; 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PROVIDED, that such permission may be rescinded at any time it is deemed necessary by the Department of Transportation, and further, that the issuance of the permits shall not in any way waive the rights of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, the area be paved in asphalt or concrete, and a new drive approach constructed, and concrete

bumpers installed, all of which are shown on Department of Transportation Drawing G-639 dated May 10, 1979; and

PROVIDED, that all construction costs be borne by the 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 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 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 Cleveland, Cockrel, Eberhard, Hood, Kelley, McFadden, Rogell, and President Henderson — 8.

Nays — None.

Environmental Protection & Maintenance Department

June 28, 1979

Honorable City Council:

Re: Petition No. 1755, General Motors Corporation, Conversion to Easement of the remaining alleys first south of Baltimore, between Second and Cass.

The above petition requests the conversion of the above described alleys 18 and 12 feet wide into an easement for public utilities. The requested conversion into easement for public utilities was approved by the

Community, Economic and Development. 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 returns at the entrance to the alleys to be vacated remain in their 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 conversions 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,
LOUIS W. KLEI
City Engineer

Approved:
JAMES W. WATTS
Director

By Council Member Kelley:

Resolved, that all that part of the north-south public alley, 18 feet wide, lying south of Baltimore Avenue between Second and Cass Avenues, having been platted as the easterly 18 feet of Lot 70 of Leavitt's Subdivision of that part of Fractional Section 31, T. 1S., R. 12 E., bounded by Milwaukee and Woodward Avenues, Grand Trunk Railroad, and Rear Line of Private Claims and West line of said Fractional Section 31, also Lots 8 to 17 both inclusive part of Block 5 of Henry Weber's Subdivision of part of Fractional Sections 31 and 36, T 1S., R. 11 and 12 E., and part of the Baker and Forsyth Farms, Detroit, Wayne County, Michigan, as recorded in Liber 9, Page 17, Plats, Wayne County Records; also

All that part of the east-west public alley, 12 feet wide, not previously vacated south of Baltimore, between Second and Cass Avenues lying southerly of and abutting the southerly line of Lots 61 to 69 and the easterly 18 feet of Lot 70, all inclusive of the above mentioned subdivision;

Be and the same are hereby vacated as public alleys and are hereby converted into public easements of the full width of the 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 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 easements or rights-of-way over said vacated public 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 stalled in a public alley 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 alley 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 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 alley returns at the entrance to the above described alleys, such removal and construction of new curb and sidewalk shall be done under City permit and inspection and according to Environmental Protection and Maintenance Department specifications with the entire cost borne by the petitioner or his assigns.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, McFadden, Rogell, and President Henderson — 8.

Nays — None.