

Request to Maintain Signs which Encroach into the Right-of-Way of Baylis and West McNichols.

The above petition was referred to this office for investigation and report. Our report is as follows:

There are four signs in question, three of which encroach into the right-of-way of West McNichols and one into the right-of-way of Baylis Avenue. All of the signs are located behind the public sidewalk and do not present a hazard to pedestrian traffic. Also, the signs have been in place approximately ten years with no problems.

All City Departments and private utility companies have no objection to the signs remaining where they are.

The Environmental Protection and Maintenance Department, therefore, recommends that the petition be granted.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
 LOUIS W. KLEI  
 City Engineer

Approved:

JAMES W. WATTS  
 Director  
 Environmental Protection &  
 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. Andrew Harris to maintain four signs which encroach into the rights-of-way of West McNichols and Baylis Avenues at property located at 2405 West McNichols, property being described as

Lot 119, Nagle's Golf Club Subdivision, as recorded in Liber 42, Page 47, Plats, Wayne County Records;

Encroachment to consist of three signs presently located at points which encroach 8, 6, and 7 feet into the right-of-way on the south side of West McNichols; and one sign at a point which encroaches 21 feet into the right-of-way on the westerly side of Baylis,

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 street shall be considered waived by this permission which is granted expressly on the condition that all obstruction in connection therewith shall be removed at the ex-

pense 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 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 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 Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.

Nays — None.

**Environmental Protection and Maintenance Department**

October 12, 1979

Honorable City Council:

Re: Petition No. 2414 and 2421.

Northern Engineering Corporation, Conversion to Easement of the north-south alley west of Joseph Campau between Guoin and Atwater.

The above described petition requests the conversion of the above described alley; 18 feet wide, 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 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 \$172.00. For the original cost of paving Guoin and Atwater Streets at the intersection of the alley to be vacated.

The petitioner has requested that



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the paved returns at the entrance to the alley to be vacated remain in their 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.

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 easement provided that proper provisions are incorporated into the vacating resolution protecting their installation 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 Eberhard:

RESOLVED, That all that part of the north-south public alley, 18 feet wide, first west of Joseph Campau Avenue between Atwater and Guoin Streets abutting the rear line of lots 1 to 8 and the easterly line of lot 9, both inclusive of Wesson's Subdivision of Block 2, Joseph Campau Farm, P.C. 609, as recorded in Liber 5, Page 6, 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 if at any time in the future it becomes necessary to remove the paved alley returns such removal and construction of new curb and sidewalk will be done under City permit and inspection with the entire cost borne by the petitioner.

Adopted as follows:

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

Nays — None.

#### Environmental Protection & Maintenance Department

October 3, 1979

Honorable City Council:

Re: Petition Number 2818, General Motors Corporation. Request to Construct a Passageway across a Public Utility Easement South of Fort Street between Livernois & Crawford.

The above petition was sent directly to this office by the petitioner. The General Motors Corporation requests permission to construct a passageway across the public utility easement (formerly a public alley vacated on September 13, 1978, J.C.C. pages 2373-74) south of Fort Street between Livernois and Crawford.

The Water and Sewerage Department has no objection to the construction provided certain modifications are performed on the existing sewer. The petitioner has agreed to do this work at their expense and has submitted satisfactory plans.