

cose from a parking space at the curb of Joseph Campau

PROVIDED, That the necessary permit be obtained from the Environmental Protection and Maintenance Department and that same shall be maintained under its rules and regulations and in accordance with plans submitted to and approved by said Department.

PROVIDED, That permittee at the time of obtaining said permit 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 permit 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 encroachment; and

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 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; 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 this permit shall not be assigned or transferred without the written approval of the City Council; and

PROVIDED, That the filing of the indemnity agreement and the security of the necessary permits referred to herein shall be construed as acceptance of the terms of this resolution by the permittee, and

PROVIDED, This resolution will not take effect unless the Department of Transportation approves a change in the parking restrictions at the above location.

Adopted as follows:

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

Nays — None.

Environmental Protection &
Maintenance Department
City Engineering Division

January 29, 1979

Honorable City Council:

Re: Petition No. 8177. Stephen's NU-AD, Inc., 11820 Harper Avenue. Conversion to Easement of Leidich Avenue between Harper and the Ford Freeway.

The above petition requests the conversion of the above described portion of Leidich Avenue, 60 feet wide, into an easement for public utilities. The requested conversion into easement for public utilities was approved by the Community Economic and 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 street return at the entrance to Leidich from Harper Avenue be left in place. He plans to have the pavement removed and new landscaping for the parking lot put in its place. The petitioner and his architect understand that no water is to be drained into Harper Avenue. There are two catch-basins in the portion of Leidich to be vacated that may be adjusted to accommodate drainage.

The petitioner, in his reply to the letter from the City Engineer pointing out the conditions necessary to complete the petition, has requested that the reimbursement to the City of the original cost of paving the southerly one-half of Harper Avenue be waived. The cost is \$665.00. He gives as his reason for the request is his expenditures to purchase additional space and buildings and the beautification of area has cost a considerable sum.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of public right-of-way into easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

An appropriate resolution granting the petition and waiving the reimbursement for intersection costs is attached for consideration by your Honorable Body.

Respectfully submitted,

LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Kelley:

Resolved, That all that part of Leidich Avenue, 60 feet wide, lying between and abutting the Southerly line

of Harper Avenue, 86 feet wide, and the Northerly right-of-way line of the Ford Freeway, inclusive of the Warren Park No. 4 Subdivision of part of Private Claim 687, City of Detroit, Wayne County, Michigan, as recorded in Liber 42, Page 18, Plats, Wayne County Records; and inclusive of J.A. Mercier's East Side Subdivision of part of Private Claim 392, City of Detroit, Wayne County, Michigan, as recorded in Liber 60, Page 49, Plats, Wayne County records;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 street 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 street 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 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 made, without prior approval by the Department of Public Works.

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 poles or other utilities in said easement, 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 mate-

rials 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 removal of the paved street return at the entrance to Leidich Avenue, the construction of new curb and sidewalk, and the landscape of the area be done by private contract, 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; and further

Resolved, That the due to the overall cost of improvement of the area, the petitioner's request that the reimbursement of the original cost of paving the south one-half of Harper Avenue (\$665.00) be and the same is hereby waived.

Adopted as follows:

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

Nays — None.

Historic Designation Advisory Board Final Report

Proposed Church of Our Saviour-
Leesville Historic District.

The proposed historic district under study by the Historic Designation Advisory Board consists of a church and parish house located at the southwest corner of Harper and Cadillac. The Church of Our Saviour was built in 1874-75, and the attached parish house in 1895-96, and both buildings have served their original purpose throughout their existence.

Boundaries: The boundaries of the proposed historic district are the same as those of the building lot upon which the building stands, which is described as follows:

Lot 9 of Toms and Butler's Subdivision of Section 1 of the rear concession of Private Claims 257 & 337, as shown in L. 3, p. 22, Wayne County plats.

History: The Church of Our Saviour dates its history to the mid-1860's, when a group of residents of Leesville, a farming and crossroads community centered on the intersection of Harper and Gratiot, began discussion of the formation of an Episcopal mission in their town. This resulted in the establishment of the Gratiot Avenue Mission of St. John's Episcopal Church, which held services in the Leesville school building at Gratiot and Harper. In 1874, the congregation was officially established as the Church of Our