

In compliance with policy adopted by your Honorable Body, on August 24, 1972, (J.C.C. Pages 2195-97) concerning use of Berm Areas for off-street parking of motor vehicles, the Department of Public Works has consulted with the Community and Economic Development Department and the Department of Transportation regarding the above petition.

All departments have approved the use of the Berm Area for parking provided the area is developed according to plans approved by the Department of Transportation.

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 Eberhard:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to the Redford Lodge No. 2097 (Petition No. 3097) to use the Berm Area on the northwest corner of Fielding and Grand River, at the side of 20525 Grand River, for off-street parking.

Provided, The necessary permits be obtained from the Department of Public Works; 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 such use of said public property shall be made under the rules and regulations of the City Engineering Division, DPW, 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Provided, That such permission may be rescinded at any time it is deemed necessary by the Department of Transportation, and further, that the issuance of the permits shall not in any way waive the rights of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,

Provided, That all construction costs be borne by the permittees; 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.

Adopted as follows:

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

Nays — None.

#### Department of Public Works

June 11, 1980

Honorable City Council:

Re: Petition No. 1657 and 7464. National Bank of Detroit. Vacation of the east-west alley south of West Eight Mile Road, between Lindsay and Gilchrist.

The above petition requests the vacation of the above described alley, 20 feet wide. 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:

The petitioner has deposited the following money for the purposes indicated:

DPW — Intersection Fund: Receipt No. A23954 \$564.00 for the original cost of paving Lindsay and Gilchrist at the intersection of the alley to be vacated. The petitioner has requested that 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.

An easement is reserved in the vacating resolution for the Michigan Consolidated Gas Company for the maintenance of its installations located in the public right-of-way to be vacated. Proper provisions are included in the attached resolution protecting the City's interest in the sewer to remain in the vacated alley.

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 easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

All other City departments and privately-owned utility companies reported that they will be unaffected by the vacation 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 east-west alley, 20 feet wide, in the block bounded by Lindsay, Gilchrist, Hessel and West Eight Mile Road lying southerly of and abutting the southerly line of Lots 1128 to 1140, all of said alley having been platted in the Madison Park No. 1 Subdivision as recorded in Liber 64, Page 84, 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, subject to the following easement provisions:

First, said owners hereby grant to and for the use of the Michigan Consolidated Gas Company an easement or right of way in the southerly 9 feet of said vacated public alley hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as gas lines or mains, 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 Michigan Consolidated Gas Company,

Third, that if at any time in the future the owners of any lots abutting on said portion of vacated alley shall request the removal and/or relocation of any existing utilities in said easement, such owners, upon whose property the 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

Provided, that by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and, at all times, shall have the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same, and further

Provided, that no building shall be constructed over said sewers without the prior approval of such building construction by the Sewer Services Section of the Water and Sewerage Department and the Department of Buildings and Safety Engineering; and further

Provided, in the event that the sewer located or to be located in said property shall break, causing damage to any construction, property or materials above, the petitioners and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

Provided, that if the sewer 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 any construction not in accordance with Provision 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 sewer; and

shall also be liable for all claims for damages resulting from this action.

Adopted as follows:

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

Nays — None.

#### Department of Public Works

June 17, 1980

Honorable City Council:

Re: Uni-Bond Incorporated Spur Track.

Under date of September 28, 1977, J.C.C. page 2075, your Honorable Body approved the maintenance of a spur track in the name of Uni-Bond Incorporated. Said spur track crossing E. Warren between Bellevue and Beaufait and connecting the Penn Central Railroad. As of May 14, 1980, Uni-Bond reported that the spur track had been removed. Investigation by this Department verified the removal.

We, therefore, request that your Honorable Body rescind its grant and that spur track bill 80-258 be cancelled, and that the Finance Department be directed to release the bond for the above spur track in accordance with established procedures.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Kelley:

Resolved, That resolution adopted September 28, 1977, J.C.C. page 2075, approving the maintenance of a spur track in the name of Uni-Bond Incorporated, crossing E. Warren between Bellevue and Beaufait and connecting the Penn Central Railroad, be and the same is hereby rescinded, and be it further

Resolved, That spur track bill 80-258 be cancelled, and the Finance Department be and it is hereby authorized to release the bond for the above spur track in accordance with established procedures.

Adopted as follows:

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

Nays — None.

#### Department of Public Works

June 16, 1980

Honorable City Council:

On October 24, 1979, Your Honorable Body confirmed Repair Sidewalk Assessment Roll No. 34-X. However, the City-Treasurer has accepted a partial payment for one of the items applied to that roll.

To remove this item from said roll, we offer the following Resolution.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Kelley:

Resolved, That the City Treasurer be and is hereby authorized to make the following deletion:

Roll 34-X, Lot 21; W. S. St. Marys between Kendall and Schoolcraft, delete \$25.00, Partial payment, Bill No. 31884, Item No. 59182, Treas. Receipt No. B28571.

Adopted as follows:

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

Nays — None.

#### Department of Public Works

May 15, 1980

Honorable City Council:

Re: Cancellation of assessment for cost of cleaning private lots.

The Department of Public Works recommends cancellation of the following item from the Assessment Rolls:

Roll No: RUC 213WL; Lot No.: 413; Location: W. Boston Blvd.; Ward: 8; Item No.: 3106; Department: VL 5884; Amount of Assessment: \$71.88.

The Department of Public Works cut weeds on the property on August 11, 1978, however, the assessment was not placed on the property until February 20, 1980. Meanwhile, Kareem Ali, purchased the property on May 31, 1979. A title search was made and they received clear title to the property.

In considering these circumstances, it is recommended that the above assessment be cancelled.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Rogell:

Resolved, That the City Treasurer be and he is hereby ordered to cancel the assessment for cutting weeds on the property listed in connection with the foregoing communication because of the circumstances involving this assessment.

Approved as to form:

SYL DELANEY

Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.