

footings encroach 15.2 feet and 1.6 feet into Division and Alfred Streets respectively. The building encroachment is more properly described as: Beginning at the northwest corner of Division Street (50 feet wide) and Riopelle Street (77 feet wide) being the southeasterly corner of the westerly 11.61 feet of Lot 42 of the Plat of the Subdivision of the Riopelle Farm north of Gratiot Street recorded L. 45, Page 101, Deeds W.C.R.; thence westerly along the north line of Division Street 12.5 feet to the point of beginning of the area to be encroached upon; thence continuing westerly along said street line 192.00 feet to the westerly building line; thence southerly at right angles 12.5 feet to the southerly face of the building; thence easterly parallel to and 12.5 feet southerly of said north street line 192.00 feet; thence northerly at right angles 12.5 feet to the point of beginning; and be it further

Resolved, That the permit also authorizes the encroachment of the supporting caisson footings beyond the building lines extending from a depth of approximately 4 feet below grade to approximately 8 feet below grade. Said footings will extend 2.7 feet beyond the building lines which results in a 15.2 feet encroachment into Division Street and a 1.6 feet encroachment by the footings only into Alfred Street.

Provided, That the Detroit Building Authority make all necessary arrangements and meet all requirements of utilities, public and private, which are affected by said encroachment; and

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 the permittee shall acquire no implied or other privileges hereunder not expressly stated herein; that no rights in the public streets, alley or other public property shall be considered waived by this permission, which is granted expressly on the condition that the encroachment hereby permitted shall be removed at the expense of the permittee at any time said structure or installation is

remodeled, rebuilt or otherwise changes so that the street, alley or other public property affected thereby shall remain free of such encroachment; and

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds, by and at the permittee's expense; and

Provided, That this resolution is revocable at the will, whim or caprice of the City Council and that at any time the permit is revoked by the Council the said encroachment shall be removed by the permittee within the time directed, and that upon failure to do so, the Director of the Building and Safety Engineering Department or his agents may enter into and upon the premises and remove at the permittee's expense any part of said structure or installation which encroaches into or upon a street, alley or other public property, and further provided, that the permittee hereby waive any right to claim damages or compensation from the City of Detroit, or from any official agent thereof, due to the trespass or damage resulting from removing any such encroachment upon a street, alley or other public property; and

Provided, That the filing of the indemnity agreement and the securing of the necessary permit referred to herein shall be construed as acceptance of the terms of this resolution by the permittee; and

Provided, That this permit shall not be assigned or transferred without the written approval of the City Council.

Adopted as follows:

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

Nays — None.

Department of Public Works

March 27, 1981

Honorable City Council:

Re: Petition No. 4346A. Detroit Board of Education. Vacation of the remaining portion of alley in the block bounded by Grand River, Second, Fisher Freeway, and Henry.

The above petition requests the vacation of the above described portion of 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 re-

port, accompanied by the original petition, is as follows:

The petitioner has issued the following purchase orders to the departments and accounts named, for the purposes indicated:

Water and Sewerage Department,
Purchase Order No. 35868. \$1,000.00.
For the estimated cost of design review/engineering inspection for re-connecting two catch basins in Henry Street.

Water and Sewerage Department.
Purchase Order No. 35869. \$800.00. For the estimated cost to abandon 16 water services in the area to be vacated.

Public Lighting Department.
Purchase Order No. 35867. \$4,000.00. For the estimated cost to remove lighting and communication facilities from the alley.

DPW — Intersection Fund. Purchase Order No. 35870. \$130.00. For the original cost of paving the streets which intersect with the alley to be vacated.

The petitioner has requested that the paved return at the entrance to the alley to be vacated remain in its 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.

Proper provisions are contained in the vacating resolution protecting the City's interest in sewers located or to be located in the alley to be vacated.

All other involved City Departments and privately-owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
LOUIS W. KLEI,
City Engineer

Approved:
JAMES W. WATTS,
Director

By Council Member Cockrel:

Resolved, That all that part of the public alley, 20 feet wide, not previously vacated in the block bounded by Grand River, Second, the Fisher Freeway, and Henry Street, as platted in Block 78 of the Subdivision of part of the Cass Farm, north of Grand River Road, as recorded in Liber 1, Page 74, Plats, Wayne County records; and as platted in the Subdivision of Lot 10, Block 78, Cass Farm, north of

Grand River Avenue, as recorded in Liber 1, Page 298, 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 provisions:

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 Detroit 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 or 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 his action.

Adopted as follows:

Yeas — Council Members Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.
Nays — None.

Department of Public Works
April 6, 1981

Honorable City Council:
Re: Huck Manufacturing Company Spur Track.

Under date of January 19, 1977, J.C.C. Page 128, Your Honorable Body approved the maintenance of a spur track in the name of Huck Manufacturing Company. Said spur track crossing Charlevoix just west of Bellevue and east of and connecting Penn Central Railroad.

Investigation shows that track has