

Department of Public Works
City Engineering Division

October 15, 1981

Honorable City Council:

Re: Petition No. 4966, Harper Recreation, et al. Conversion to easement of the east-west and a part of the north-south alleys in the block bounded by Field, Sheridan, Ford Freeway and Harper.

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

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

The petitioner wishes to construct the necessary drainage and sidewalk alterations by private contract, the Department of Public Works has no objection provided the work is done under City permit and inspection with all costs borne by the petitioner. All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-way 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 Rogell:

Resolved, that all that part of east-west public alley, 18 feet wide, in the block bounded by Field, Sheridan, the Ford Freeway and Harper Avenue having been platted as the southerly 18 feet of Lots 3 and 140 of William Taits Subdivision of part of the Church Farm, P.C. 16, north of Gratiot Avenue as recorded Liber 16, Page 87, Plats, Wayne County records; also

All that part of the north-south public alley, 18 feet wide, in the above described block abutting the rear line of Lots 4 and 139 and abutting the rear line of Lots 3 and 140, all inclusive of the above mentioned subdivision,

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 easement or right-of-way over said vacated public alley hereinabove described for the purpose 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 utility easement or right-of-way in and over said vacated alley hereinabove described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easements with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies other than that specifically prohibited by this resolution shall be restored to a satisfactory condition.

THIRD, 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 fences) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Department of Public Works.

FOURTH, that is 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 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 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 3, 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.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.
Nays — None.

**Department of Public Works
City Engineering Division**

October 14, 1981

Honorable City Council:

Re: Petition No. 5106. James Cummings, et al. Use of Berm Area for Off Street Parking at 13482 West Outer Drive.

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 off-street 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 Rogell:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Mr. James Cummings to use the berm area for off street parking in front of 13482 West Outer Drive, property described as:

The South 26 feet of Lot 280 and the North 27 feet of Lot 279 of the Ken-Jock-Ety Subdivision as recorded in Liber 55, Page 99, Plats, Wayne County records.

PROVIDED, That the necessary permits be obtained from the Department of Public Works, and,

PROVIDED, That permittee at the time of obtaining said permits files 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, D.P.W., and the Department of Transportation in accordance with plans approved by those Departments and the Community and Economic Development Department and

PROVIDED, That said 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, That all construction costs be borne by 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 acquires 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; 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 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 De-