

partment of Transportation, in accordance with plans approved by those Departments; 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Provided, That said permission may be rescinded at any time it is deemed necessary by the Department of Transportation, and further, that the issuance of the permits shall not in any way waive the rights of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 Departments by said permittee at their expense.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

Department of Public Works

March 16, 1982

Honorable City Council:

Re: Petition Nos. 2390 and 4120,
Wright-Austin Company and
Douthitt Corporation Vacation of

Alleys in the block bounded by
Wight, Franklin, Walker and
Adair Streets.

The above petition requests the vacation of part of the east-west and all of the north-south alley in the above described block. The requested vacations were approved by the Community and Economic Development Department with the recommendation that sufficient land be dedicated for a new alley outlet into Franklin Street. 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:

Department of Public Works — Intersection Fund, Receipt No. A24681 — \$70.00, for the original cost of paving the east one-half of Walker Street at the intersection of the alley to be vacated.

The petitioner has requested that the paved returns at the entrance to the alleys 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 Detroit Edison Company and the Michigan Bell Telephone Company in the westerly 89 feet of the east-west alley for the maintenance of their installations located in the public right-of-ways to be vacated.

Quit Claim Deeds have been received from the petitioners, deeding to the City of Detroit, land for the new alley outlet Franklin into these deeds were approved as to form and execution by the Corporation Counsel and as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

All other City departments and privately-owned utility companies reported that they will be unaffected by the vacation and conversion to an easement of said alley of 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

Department of Public Works

By Council Member Kelley:

Resolved, That all that part of the east-west public alley, 20 feet wide, in the block bounded by Walker, Adair, Wight and Franklin Streets abutting the rear line of Lots 50 to 58 and the westerly 20 feet of Lot 49, and abutting the rear line of Lots 75 to 83 and the westerly 20 feet of Lot 84, all inclusive of the Plat of the Walker Tract being that part of Private Claims 11 and 453 and of Lot 1 of the subdivision of the Hunt Farm lying between Jefferson Avenue and Wight Street as recorded in Liber 1, Page 10, 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.

1) Owners of property abutting on the above described land hereby grant to and for the use of the Detroit Edison Company and the Michigan Bell Telephone Company an easement or right-of-way over the westerly 89 feet of the above described property (that portion abutting the rear line of Lots 75 to 77 and Lots 56 to 58 of the above named subdivision) for the purposes of maintaining, installing, repairing, removing or replacing public utilities such as telephone or 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,

2) 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 or surface grade made, without prior approval by the Detroit Edison Company and the Michigan Bell Telephone Company,

3) 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 all 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 that 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 all that part of the north-south public alley, 20 feet wide, as opened on October 28, 1941 (J.C.C. Pages 3088-9), having been platted as the westerly 20 feet of the northerly 90 feet of Outlot 2, south of Franklin Street of the Plat of the George Hunt Farm south of the Gratiot Road, as subdivided by A. E. Hathon, as recorded in Liber 27, Page 251, Deeds, Wayne County records,

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property; and be it further

Resolved, That the Finance Department is hereby authorized and directed to issue Quit Claim Deeds for the above described properties and the Law Department is hereby directed to prepare said deeds; and be it further

Resolved, That if in the future it become necessary to remove the paved alley returns at the entrance to the above described alleys such removal will be done under private contract, under City permit and inspection, and according to Department of Public Works specifications with all costs borne by the petitioner; and be it further

Resolved, That the Quit Claim Deed of the Wright-Austin Company deeding land to the City of Detroit for alley purposes being described as:

The easterly ten (10) feet of lot forty-nine (49), Plat of the Walker Tract, being that part of Private Claims 11 and 453 and of Lot 1 of the Subdivision of the Hunt Farm lying between Jefferson Avenue and Wight Street according to the plat thereof recorded in Liber 1, of Plats, Page 10, Wayne County records; also

That the Quit Claim Deed of the Douthitt Corporation deeding land to the City of Detroit for alley purposes, being described as:

The westerly 10 feet of Lot 48 of the Plat of the Walker Tract being that part of Private Claims 11 and 453 and of Lot 1 of the Subdivision of the Hunt Farm lying between Jefferson Avenue and Wight Street as recorded in Liber 1, Page 10, Plats, Wayne County records;

Be and the same are hereby accepted, and the Law Department is hereby directed to record said deeds in the office of the Register of Deeds

for Wayne County; and be it further

Resolved, That the construction with concrete of the new alley return and the grading and stoning of the newly dedicated alley be done under City permit and inspection and according to Department of Public Works specifications, with all costs borne by the petitioners; and be it further

Resolved, That the Detroit Water and Sewerage Department be and is hereby authorized to review the drawing for the lateral sewer and to issue a permit to the petitioner (No. 2390 amended) for the relocation of a city lateral sewer in a dedicated alley and in Franklin and Adair Streets to serve the Wright-Austin Company and adjacent property; and further

Resolved, That the plans for the lateral sewer shall be prepared by a Registered Engineer; and further

Resolved, That the entire work is to be performed in accordance with plans and specifications approved by the Detroit Water and Sewerage Department and constructed subject to the inspection and approval of the Detroit Water and Sewerage Department; and further

Resolved, That the entire cost of the lateral sewer construction including inspection, survey, and engineering shall be borne by the petitioner; and further

Resolved, That the petitioner shall deposit with the Detroit Water and Sewerage Department in advance of engineering inspection and survey, such amounts as that Department deems necessary to cover the cost of these services; and further

Resolved, That upon satisfactory completion of the sewer construction it shall be City property and become part of the City system.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

Department of Public Works

March 5, 1982

Honorable City Council:

Re: Petition No. 5227. Request to Maintain a Garage Addition Encroaching Into Easement.

Your Committee of the Whole referred the above petition to this office for investigation and report. The Department of Public Works has made a field investigation of petitioner's request. Our findings are as follows:

Petitioner's lot is 130 feet deep

which dimension includes a 10-foot easement at the rear. Petitioner wishes to maintain an addition to his garage which encroaches 6.8 feet into the easement.

We find that the above request for permission to encroach into the easement complies with the policy adopted by your Honorable Body on February 23, 1965, J.C.C. Pages 348 and 349. An appropriate resolution is attached for consideration and adoption by your Honorable Body.

Respectfully submitted,

LOUIS W. KLEI

City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Mahaffey:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue a permit to Rudolph R. Spence to maintain an extension to his garage which encroaches 6.8 feet into the 10-foot-wide public utility easement at the rear of Lot 936 of the Marion Park Subdivision No. 2, as recorded in Liber 55, Page 26 of Plats, Wayne County Records, located on the west side of Bassett Avenue, north of Omaha Avenue, commonly known as 2476 South Bassett.

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 easement shall be considered waived by this permission which is granted expressly on the condition that the garage, driveway, building and all obstruction, in connection therewith, shall be removed at the expense 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 Department of Public Works at the owners' expense; and further

Provided, That this resolution is revocable at the will, whim, or caprice of the City Council, and the grantees, by