

ing it available for purchase as surplus public land.

The Department of Transportation and Community and Economic Development have no objection to change in right-of-way. It is therefore recommended that Your Honorable Body adopt the following resolution declaring the described parcel surplus land and assign it to the Community and Economic Development Department for subsequent sale.

Very truly yours,
LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS, Director
By Council Member Cleveland

Resolved, That all that part of Lot 47 of Sprague and Visger's subn. of Lots 2 to 15 incl. of Wm. B. and J.V. Moran's Subn. of Part of PC's 10 and 152, Rec'd Liber 14, Page 25, Plats W.C.R. lying northerly of a line which extends southeasterly from the northeasterly corner of said Lot 123.69 feet to the southwesterly corner of said Lot 47, said line being the northerly line of Warren Avenue as widened; be and the same is hereby declared as not being required for street purposes and is hereby assigned to the Community and Economic Development Department as surplus public land to be offered for sale.

Said parcel contains 1800 square feet of land, more or less.

Adopted as follows:

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

Nays — None.

Department of Public Works

January 21, 1983

Honorable City Council:

Re: Petition No. 160

Wayne By-Products

Conversion to Easement of Leigh Street South of Thaddeus Avenue

The above petition requests the conversion of the above described portion of Leigh Street into an easement for public utilities. The requested conversion into easement for public utilities 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:

At the request of the Police, Fire and Public Lighting Departments the petitioner has agreed by letter filed with this petition that the gates at both ends of the vacated street would be opened at any time requested by these departments

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 easement 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 Cleveland

Resolved, That all that part of Leigh Street, 50 feet wide, as opened in Private Claim 405 by the Village of Delray, lying westerly of and abutting the westerly line of Lot 90 and the vacated 18 feet wide public alley at the rear of said Lot 90 of Kaier's Subdivision No. 2 of Part of Private Claim 405, Detroit, Wayne County, Michigan as recorded in Liber 30, Page 33, 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 or surface grade made, without prior approval by the Department of Public Works,

Third, that if at any time in the future the owners of any lot abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owner 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 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 the gates, to be placed by the petitioner, at both ends of the vacated street shall be opened at any time when requested by the involved utilities or by the Police or Fire Departments.

Adopted as follows:

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

Nays — None.

Department of Public Works

January 18, 1983

Honorable City Council

Re: Petition No. 1080

Mr. Jerome W. Roeske

Request to Construct Garage Encroaching into

Easement at 11670 Nottingham

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 126.14 feet deep which dimension includes a 9 foot easement at the rear. Petitioner wishes to construct a garage which will encroach 6 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. Page 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 Collins:

Resolved, That the Department of Public Works is hereby authorized and directed to issue permits to Mr. Jerome Roeske to construct a garage which encroaches 6 feet into the easement at the rear of Lot 320 of S.C.

Hadley's Subdivision of Part of P.C. 404, Detroit, Wayne County, Michigan, as recorded in Liber 68, Page 63, Plats, Wayne County records, property commonly known as 11670 Nottingham,

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the permittee'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 owner's expense; and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council, and the grantees by the acceptance of this permission waive any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein; and further

Provided, That petitioner file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims which may arise therefrom.

Adopted as follows:

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

Nays — None.

Department of Public Works

January 18, 1983

Honorable City Council:

Re: Petition No.971. Vince's Pizzeria.

Conversion to Easement of the North Half of the North-South Alley First West of Springwells between Rathbone and Homer.

The above petition requests the conversion of the above described portion