

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 if at any time in the future it becomes necessary to remove the paved alley returns, such removal and construction of new curbs and walk will be done by private contract under City permit and inspection with all costs borne by the petitioner, his heirs, or assigns.

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Kelley, Mahaffey, Peoples and President Henderson — 6.

Nays — None.

City Engineering Department

June 29, 1984

Honorable City Council:

Re: Petition No. 2651, Theodore W. Russell, Conversion to Easement of the east-west alley north of West Warren, and between Stout and Heyden, and Approval of an Encroachment into said Vacated Alley.

The above petition requests the conversion of the above described alley and approval of an existing encroachment into the alley. 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:

The City Engineering Department finds that the request to maintain the existing encroachment with a stairwell and part of the house complies with the policy adopted by your Honorable Body on February 23, 1965, J.C.C. pages 348 and 349. An appropriate resolution is hereby made a part of the vacating resolution.

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.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
 Director

By Council Member Peoples:

Resolved, That all that part of the east-west public alley, 18 feet wide, north of West Warren Avenue, between Stout and Heyden Avenues abutting the rear line of Lots 76 to 81 all inclusive of Frischkorn's Parkdale Subdivision of the W. ½ of the E. ½ of the S.E. ¼ and part of the W. ½ of the S.E. ¼ of Section 3, T. 2 S., R. 10 E., Dearborn Township (now Detroit), Wayne County, Michigan as recorded in Liber 45, Page 36, Plats, Wayne County records.

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 an easement or right-of-way over said vacated public alley 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 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 fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the City Engineering Department.

Fourth, that if 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 easement, such owners, upon whose property that poles or other 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.

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to Mr. Theodore W. Russell to maintain a house and a stairwell which encroaches into the above described alley approximately 4.6 feet into the southerly side of the alley at the rear of Lots 77 and 78 of Frischkorn's Parkdale Subdivision as recorded in Liber 45, Page 36, Plats, Wayne County Records on the north side of Warren Avenue, between Stout and Heyden Avenues, commonly known as 20236 West Warren;

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 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; and

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 per-

mission, 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.

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Kelley, Mahaffey, Peoples and President Henderson — 6.

Nays — None.

City Planning Commission

June 19, 1984

Honorable City Council:

Re: City Planning Commission — Recommending appointments to fill four Citizen Review Committee vacancies. (Recommend approval).

On May 17, 1984, the City Planning Commission (CPC) voted affirmatively to recommend that City Council appoint four persons to fill vacancies to the Citizen Review Committee (CRC) for three year terms commencing July 1, 1984 to June 30, 1987.

The four recommended candidates are:

1. Glennie Barber, 2637 Ethel, Detroit 48207.
2. Derrick Brown, 8099 Olympia, Detroit 48213.
3. Mary Brown, 2701 W. Philadelphia, Detroit 48206.
4. Lucinda Hawkins, 16629 Ardmore, Detroit 48235.

The recommended candidates have been interviewed by the Commission. Glennie Barber, Derrick Brown, and Lucinda Hawkins are completing their first three year terms and are interested in reappointment. An attendance record is on file in the City Clerk's office for the three incumbents.

To facilitate this process, the City Planning Commission recommends that the attached resolution relative to the above-described appointments be adopted.

Respectfully submitted,
MARSHA S. BRUHN,
Director

By Council Member Collins:
Whereas, In Jnauary 1978, City Coun-