

Adopted as follows:

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

Nays — None.

City Engineering Department

November 16, 1984

Honorable City Council:

Re: Petition No. 3358 — Burger King Corporation. Conversion to Easement of the east-west alley in the block bounded by Heyden, Vaughan, Grand River and Verne.

The above petition requests the conversion of the above described alley, 20 feet wide, 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:

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:

The City Engineering — Intersection Fund \$375.17 for the original cost of paving the east one-half of Heyden and the west one-half of Vaughan at the intersection of the alley north of Grand River to be vacated. The petitioner has requested that the paved returns at the entrance to the alley to be vacated remain in their present status as the petitioner plans to utilize same, and had 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.

All other City Departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said alley or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Eberhard:

Resolved, That all that part of the east-west public alley, 20 feet wide in the block bounded by Heyden, Vaughan, Grand River and Verne abutting Lots 106 to 112 and Lots 136 to 142 inclusive of Houghton Manor Subdivision,

Detroit, Wayne County, Michigan as recorded in Liber 59, Page 82, 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 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 exist-

ing poles or other utilities in said easement, such owners, upon whose property the 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; and be it further

Resolved, That at any time in the future it becomes necessary to remove the paved alley returns at the entrance to the alley, such removal and construction of new curb and sidewalk shall be done under City permit and inspection and according to City Engineering Department specifications with all costs borne by the petitioner, his heirs or assigns.

Adopted as follows:

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

Nays — None.

City Engineering Department

November 1, 1984

Honorable City Council:

Re: Petition No. 2618, Reginald C. Hill, Request to maintain garage encroaching into easement at 19400 Rosemont.

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

Petitioner's lot is 135 feet deep which dimension includes a 9 foot easement at the rear. Petitioners wishes to maintain a garage which encroaches 5 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,
CLYDE R. HOPKINS

Director

By Council Member Peoples:

Resolved, That the City Engineering Department be and it is hereby author-

ized and directed to issue to Mr. Reginald C. Hill permits to maintain a carport which encroaches 5 feet into the 9 foot wide public utility easement at the rear of Lot 59 of the Southfield Woods Subdivision of the S. ½ of the N. ½ of the S. E. ¼ of Section 2, T. 1S., R. 10E., Redford Township, Wayne County, Michigan as recorded in Liber 56, Page 69, Plats, Wayne County records, on the east side of Rosemont, north of Vassar, commonly known as 19400 Rosemont;

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 expenses 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 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 City Engineering Department 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 Cleveland, Collins, Eberhard, Hood, Kelley, Mahafey, Peoples, Ravitz and President Henderson — 9.

Nays — None.