

inclusive of the Park Drive Subdivision No. 4 of part of P.C. 123, City of Detroit, Wayne County, Michigan as recorded in Liber 54, Page 11, Plats, Wayne County records; on a temporary basis for one (1) year ending on May 1, 1985.

Provided, petitioner furnishes an agreement, in form approved by the Law Department, saying 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 permit, and providing for the faithful performance by the grantee of the term hereof, and files same with the Finance Department, and further

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds by and at the permittee's expense, and further

Provided, the grantee shall acquire no implied or other privileges not expressly stated herein; and further

Provided, That no building or other structure is constructed in said alley; that petitioner shall observe the rules of the City Engineering Department; and further the City of Detroit retains all rights and interests in the area herein temporarily closed; The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed street, and further

Provided, That at the expiration of said permit, all obstructions herein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the City Engineering Department, by and at the permittee's expense, and further

Provided, That this grant may be revoked at the will, whim and caprice of the City Council without cause; and if this grant is continued for the one (1) year period, the City Council may, upon request and if the circumstances justify accordingly, grant an extension thereto.

Adopted as follows:

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

Nays — None.

City Engineering Department

April 18, 1984

Honorable City Council:
Re: Petition No. 5479. Stroh Brewery Company. Conversion to Easement of Guoin Avenue Between Joseph Campau and McDougall Avenue.

The above petition requests the conversion of the above described portion of Guoin Avenue, 50 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:

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

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

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Cleveland:

Resolved, That all that part of Guoin Street, 50 feet wide, between Joseph Campau and McDougall Avenues as platted in Theodore J. and Denis J. Campau's Plat of the subdivision of the P.C. 609, Joseph Campau Estate as recorded in Liber 2, Page 1, Plats, Wayne County records; and as platted in the Plat of part of the West 1/2 of the McDougall Farm as recorded in Liber 180, Page 483, Deeds, 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 City Engineering Department.

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 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 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 street returns at the entrance to the vacated street then such removal and construction of new curb and walk will be done under City permit and inspection with all costs borne by the petitioner, his heirs and assigns.

Adopted as follows:

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

Nays — None.

City Engineering Department

April 23, 1984

Honorable City Council:

Re: Petition No. 2763, Employers Association of Detroit, Request for Power Cable Encroachment at 3845 West Eight Mile Road.

We have reviewed the request of the Employers Association of Detroit to install a power cable to operate a power gate to furnish security for their property.

The City Engineering Department has contacted the Public Lighting Department and the Detroit Edison Company concerning this installation. The Public Lighting Department has no objection to the proposal. The Detroit Edison Company reported that they will allow the petitioner to use their pole to attach the cable, provided, your Honorable Body approves the encroachment.

An appropriate resolution, granting permission to install the cable, is at-

tached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS

Director

By Council Member Cleveland:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to the Employers Association of Detroit for permission to encroach over the 18 feet wide public alley south of Eight Mile Road between Sheffield and Gardendale Avenues, and to encroach over Gardendale at the alley south of Eight Mile Road; property described as:

Lots 109 and 144 of the Woodlawn Subdivision as recorded in Liber 29, Page 54, Plats, Wayne County records

Encroachment to consist of a power cable which will extend from a power gate on the west side of Gardendale to a pole in the above mentioned alley, then across Gardendale to a pole then into property commonly known as 3845 West Eight Mile Road.

Provided, that cable must be installed as per national Electrical code as adopted by the Michigan Public Service Commission, and that the cable be a minimum of twenty-four (24) feet above grade of the street.

Provided, that permittee at the time of obtaining said permits file 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 encroachments; 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 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 department by said permittee at its expense; 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