

City Engineering Department

March 18, 1985

Honorable City Council:

Re: Petition No. 3425. 18337 Glastonbury, Request to Construct Garage Encroaching into Easement.

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 130 feet deep which dimension includes a 9 foot easement at the rear. Petitioners 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 adopted by your Honorable Body.

Respectfully submitted,
 CLYDE R. HOPKINS
 Director

By Council Member Eberhard:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to Mr. Cleveland Jackson to construct a garage which will encroach six (6) feet into the nine (9) foot wide public utility easement at the rear of property described as: Lot 45 of "Emerson Manor" a subdivision of a part of the S.E. ¼ of the N.E. ¼ of Section 11, T. 1 S., R. 10 E., Redford Township, Wayne County, Michigan, as recorded in Liber 51, Page 40, of Plats, Wayne County records,

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 Cleveland, Eberhard, Peoples, Ravitz, and President Pro Tem. Hood — 5.
 Nays — None.

City Engineering Department

March 19, 1985

Honorable City Council:

Re: Pet. No. 1489, Recreation Department, Conversion to Easement of a Portion of Robinwood Avenue and the alley between Robinwood and Hollyweach all east of Veach.

The above petition requests the conversion of the above described portion of street and alley into easements 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 and 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 Robinwood Avenue, 60 feet wide, between Veach Avenue and the Grand Trunk Railroad right-of-way, lying between and abutting the front line of Lots 69 to 77 and 78 to 84, and inclusive of the Frederick Grove Subdivision of that part of the N.E. 1/4 of the N.W. 1/4 of Section 10, lying west of the Grand Trunk Railroad, T.1S., R.12E., as recorded in

Liber 37, Page 96, Plats, Wayne County records; also

All that part of the east-west public alley, 16 feet wide, in the block bounded by Veach, Antwerp, Robinwood and Hollywood lying between and abutting the rear line of Lots 58 to 67 and Lots 69 to 77 all inclusive of the above subdivision;

Be and the same are hereby vacated as public street and alley and are hereby converted into a public easement of the full width of the street and 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 street and 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 easements or rights of way over said vacated public street and alley hereinabove described for the purposes of maintaining, installing, repairing, removing or replacing public utilities such as water mains, sewers, gas lines or mains, telephones, 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 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 by the City Engineering Department.

Third, 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 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.

Adopted as follows:

Yeas — Council Members Cleveland,

Eberhard, Peoples, Ravitz, and President Pro Tem. Hood — 5.
Nays — None.

City Engineering Department

March 19, 1985

Honorable City Council:

Re: Petition No. 1605. Saleem Brikho, Request Permission to maintain existing building encroachment at 610 W. Seven Mile Road.

Returning, herewith, print and petition No. 1605 of Mr. Saleem Brikho requesting permission to maintain a building which encroaches into the right-of-way of Carman Avenue north of West Seven Mile Road.

All City departments and private utility companies have reported that they have no objection to the encroachment.

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

Respectfully submitted,
CLYDE R. HOPKINS

Director

By Council Member Eberhard:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permit to Mr. Saleem Brikho to maintain a building encroachment at property described as:

Lot 21 of Walker's Subdivision of S.W. ¼ of S.E. ¼ of Section 2, T. 1 S., R. 11 E., recorded in Liber 29, Page 48, of Plats, Wayne County Records,

Encroachment to consist of a building whose easterly wall encroaches 0.65 feet at the south corner and 0.92 feet at the north corner into the right-of-way of Carman Avenue,

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 ease-