

corner of said Lot 426; thence westerly along a line at right angles to the Chrysler Freeway right-of-way to the westerly line of said Chrysler Freeway right-of-way; thence northerly along said westerly right-of-way line 50 feet; thence easterly along a line at right angles to the Freeway right-of-way to the intersection with the northerly line of existing Modern Avenue, 50 feet wide; thence southerly to the point of beginning;

Be and the same is hereby dedicated as a public street.

Adopted as follows:

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

Nays — None.

City Engineering Department
April 3, 1985

Honorable City Council:

Re: Petition No. 5929 Telkais Club, Inc., Request to encroach into the right-of-way of West Seven Mile Road west of Carmen.

Returning herewith, Petition No. 5929 of Telkais Club, Inc., requesting permission to maintain an encroachment of their building 0.8 feet into the right-of-way of West Seven Mile Road west of Carmen.

Petitioner's new building was mistakenly built with the front wall and footings encroaching into the right-of-way of West Seven Mile Road at 610 West Seven Mile Road.

All City Departments and privately owned utility companies have replied they have no objections to the proposed encroachment.

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

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Ravitz:

Resolved, That the City Engineering Department is hereby authorized and directed to issue permits to the Telkais Club, Inc., to maintain an encroachment into the right-of-way of West Seven Road at property described as:

Lot 20 of Walker's Subdivision of the S.W. ¼ of the S.E. ¼ of Section 2, T.1S., R.11E., Township of Greenfield, Wayne County, Michigan as recorded in Liber 29, Page 48, Plats, Wayne County records, commonly known as 610 West Seven Mile Road.

Encroachment to consist of the front wall and footings of a building which encroach 0.8 feet into the right of way,

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 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 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, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

City Engineering Department
April 8, 1985

Honorable City Council:

Re: Pet. No. 470. Mr. Sam Long. Conversion to Easement of a portion of St. Joseph west of St. Aubin.

The above petition requests the conversion of the westerly 160 feet and St. Aubin into an easement for public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic and 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 a portion of said street 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 Ravitz:

Resolved, That all that part of St. Joseph St. 50 feet wide, between the Grand Trunk Railroad and St. Aubin Avenue abutting the front line of Lots 33 to 36 and Lots 47 to 50 all inclusive of the Subdivision of Lots 18, 19, 20, 21 and 22 and the south part of 23, Withrell Farm, north of Gratiot Avenue, as recorded in Liber 1, Page 23, 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 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.

Adopted as follows:

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

Nays — None.

City Engineering Department

April 4, 1985

Honorable City Council:

Re: Petition No. 742, A to Z Cartage Company, Request to temporary close a portion of State Fair Avenue east of Conner Avenue.

We are returning herewith Petition No. 742 of A to Z Cartage Company requesting the temporary closing of the easterly 400 feet of State Fair Avenue between Conner Avenue and the Grand Trunk Railroad.

The request was approved by the Community and Economic Development Department with certain restrictions.

All other City departments and privately owned utility companies have reported that they have no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities.

An appropriate resolution containing the necessary conditions is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
 Director

By Council Member Ravitz:

Resolved, That the City Engineering Department is hereby authorized and directed to issue permits to A to Z Cartage Company to close the easterly 400 feet of State Fair Avenue, 600 feet wide, between Conner Avenue and the Grand Trunk Railroad right-of-way all of which lies in the N.E. $\frac{1}{4}$ of Section 3, T.1S., R.12E., as deeded to the City of Detroit for street purposes on March 9, 1954 (J.C.C. Page 528) on a temporary basis to expire on April 1, 1990;

Provided, That the petitioner furnishes an agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from