

the existing or proposed additional encroachments. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations.

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

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Collins:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to Glorious Freedom Mission, Inc. to maintain existing and extend additional building encroachments into the public right-of-way along the south side of W. Canfield Avenue, 100 feet wide, between Second Boulevard and Third Avenue, property described as:

The West 50.00 feet of Lot 8, Block 98, of the Subdivision of Blocks 97 and 98 of the Cass Farm as recorded in Liber 1, Page 259, Plats, Wayne County Records:

Encroachments consist of an existing mechanical and electrical service room; also a new building facade, cantilevered roof, and non-load bearing decorative columns without footings extending (approximately 15 feet by 50 feet) into the public right-of-way along the south side of W. Canfield Avenue between Second Boulevard and Third Avenue, abutting the above described property;

Provided, That such encroachments shall be according to signed and sealed plans (to be submitted by the petitioner) prepared by a professional engineer registered in the State of Michigan. Such plans must be approved by the Buildings and Safety Engineering Department and the Detroit Water and Sewerage Department prior to any new construction; and

Provided, That the petitioner shall be liable for all incidental repair costs and/or damages to any public or private utility installations located therein. Additionally, if it becomes necessary to repair or replace the utilities located or to be located in said public rights-of-way, 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

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 encroachment; and

Provided, That this resolution is revocable at the will, whim or caprice of the City Council, and permittee hereby 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

Provided, That this permit shall not be assigned or transferred without the written approval of the City Council; and

Provided, That the filing of the indemnity agreement and the securing of the necessary permit referred to herein shall be construed as acceptance of this resolution by the permittee; and

Provided, That a certified copy of this resolution shall be recorded with the Office of the Register of Deeds for Wayne County by and at permittee's expense.

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Kelley, Mahaffey, Peoples, Ravitz, and President Pro Tem. Hood — 7.

Nays — None.

*RECONSIDERATION (No. 5), per Motions before Adjournment.

City Engineering Department

October 21, 1986

Honorable City Council:

Re: Petition No. 283, Kingdom Hall of Jehovah's Witnesses Conversion to easement of portion of north-south alley first east of McClellan, south of Forest.

The above petition requests the conversion of a portion of north-south public alley, 16 feet wide, first east of McClellan Avenue, south of E. Forest Avenue 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 referred to us for investigation and report. Our report accompanied by the original petition is as follows:

The petitioner plans to utilize the paved alley return entrance and requests such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuances of use makes removal necessary.

All involved City departments and privately-owned utility companies reported they have no objection to the

conversion of public right-of-way into easement provided provisions are incorporated into the vacating resolution protecting their installations 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 the north-south public alley, 16 feet wide, first east of McClellan Avenue, south of E. Forest Avenue (70 feet wide) lying east of and abutting the south 20.45 feet of Lot 1, Lot 2, and the north 15.00 feet of Lot 3 of Sprague S. Visger's Subdivision of Riverview Subdivision in rear concession of Private Claim 152 Hamtramck (Township), City of Detroit, Wayne County, Michigan as recorded in Liber 15, Page 40, 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 herein above 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 of 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 herein above 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 com-

panies 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 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 or materials or construction not in accordance with Section 3, 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 it becomes necessary to remove the paved alley return at the alley entrance (into Forest Avenue) such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, his heirs or assigns.

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Kelley, Mahaffey, Peoples, Ravitz, and President Pro Tem. Hood — 7.

Nays — None.

*RECONSIDERATION (No. 6), per Motions before Adjournment.

Personnel Department

July 2, 1986

Honorable City Council:

Re: Implementation of Fringe Benefit Changes for Police Executives.

It has been the City's policy, where appropriate, to extend to Police Executives certain fringe benefits changes awarded to the members of the Detroit Police Lieutenants' and Sergeants' Association. Your Honorable Body previ-