

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 a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

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

Nays — None.

City Engineering Department

September 18, 1987

Honorable City Council:

Re: Petition No. 1061, Dunitz Management Company. Conversion to easement of portion of the east-west public alley in the block bounded by Santa Rosa, Stoepel, Clarita and West Seven Mile.

Petition No. 1061 of Dunitz Management Company requests the conversion of a portion of east-west public alley, 18 feet wide, in the block bounded by Santa Rosa Drive, Stoepel and Clarita Avenues, and West Seven Mile Road into an easement for public utilities.

The requested conversion into a public utility easement was approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The petitioner has deposited with the City Treasurer the following city department reimbursement cost:

City Engineering Department—Intersection Fund: \$278.00, Receipt No. C-9245. For the original cost of paving the west one-half of Stoepel at the public alley intersection.

The petitioner plans to use the paved alley return entrance and requests such remain in its present status. The petitioner has submitted a letter agreeing to pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Mahaffey:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Santa Rosa Drive, Stoepel and Clarita Avenues, and West Seven Mile Road lying southerly of and abutting the south line of the east 11.00 feet of Lot 8, Lots 6 and 7; also lying northerly of and abutting the north line of Lot 198 of "Canterbury Gardens" being a subdivision of the Northeast Quarter of the Northeast Quarter of Section 9, Town 1 South, Range 11 East, Greenfield Township, City of Detroit, Wayne County, Michigan as recorded in Liber 37, Page 65, 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 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 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 easement 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 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, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and

Provided, That if it becomes necessary to remove the paved alley return at the entrance, 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, their heirs or assigns; and

Provided Further, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

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

Nays — None.

City Engineering Department

September 17, 1987

Honorable City Council:

Re: Petition No. 929. Interval Medical Associates Conversion to easement of portion of the east-west public alley in the block bounded by Winthrop, Greenfield, Clarita and West Seven Mile.

Petition No. 929 of Interval Medical Associates requests the conversion of a portion of east-west public alley, 20 feet wide, in the block bounded by Winthrop, Greenfield and Clarita Avenues, and West Seven Mile Road into an easement for public utilities.

The requested conversion into a public utility easement was approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The petitioner has deposited with the City Treasurer the following city department reimbursement cost:

City Engineering Department—Intersection Fund: \$229.00, Receipt No. C-8721. For the original cost of paving the east one-half of Winthrop at the public alley intersection.

The petitioner plans to use the paved alley return entrance and requests such remain in its present status. The petitioner has submitted a letter agreeing to pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Mahaffey:

Resolved, That all that part of the east-west public alley, 20 feet wide, in the block bounded by Winthrop, Greenfield and Clarita Avenues, and West Seven Mile Road lying southerly of and abutting the south line of the west 3.20 feet of lot 77, and Lots 68 to 76; also lying northerly of and abutting the north line of Lot 67 of "Feldman and Feldman's College Park Drive Subdivision" of part of the East Half of the Northeast Quarter of the Northeast Quarter of Section 12, Town 1 South, Range 10 East, Redford Township, City of Detroit, Wayne County, Michigan as recorded in Liber 51, Page 69, Plats, Wayne County Records;

Be and the same is hereby vacated