

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 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 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

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, Eberhard, Mahaffey, Peoples, Ravitz, and President Henderson — 6.

Nays — None.

City Engineering Department

July 15, 1987

Honorable City Council:

Re: Petition No. 2184, Community and Economic Development Department Virginia Park Rehabilitation Project — Parcel 110, Conversion to easement of portion of east-west public alley in the block bounded by Merrill, John C. Lodge, Seward and Virginia Park.

To develop Parcel 110 in Virginia Park Rehabilitation Project (Henry Ford Health Care Corporation — Gerber Children's Center) it is necessary to convert a portion of the east-west public alley, 10 feet wide, in the block bounded by Merrill Avenue, John C. Lodge Freeway, Seward and Virginia Park Avenues into an easement for public utilities.

The conversion into a public utility easement was approved by the Department of Transportation.

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 Cleveland:

Resolved, That all that part of the east-west public alley, 10 feet wide, in the block bounded by Merrill Avenue, John C. Lodge Freeway, Seward and Virginia Park Avenues lying southerly of and abutting the south line of Lot 14 as platted in "Virginia Park Subdivision" of part of Quarter Section 55, Ten Thousand Acre Tract, City of Detroit, Wayne County, Michigan as recorded in Liber 28, Page 80, Plats, Wayne County Records; also lying northerly of and abutting the north line of the east 2.88 feet of Lot 11, the (vacated) north-south public alley (10 feet wide), and the west 87.12 feet of Lot 10 as platted in "Sullivan's Subdivision" of Lots 1, 2, 3 and 4 of Block 10 and Lots 21, 22, 23 and 24 — Block 11 of Beck's Subdivision Quarter Section 55, Ten Thousand Acre Tract, Greenfield Township, City of Detroit, Wayne County, Michigan as recorded in Liber 15, Page 69, 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 hereinabove described for the purpose 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 easements 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 or surface grade made, without prior approval of the Water and Sewerage Department — Sewer Services Section and 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 developer, 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, Eberhard, Mahaffey, Peoples, Ravitz, and President Henderson — 6.

Nays — None.

City Engineering Department

July 29, 1987

Honorable City Council:

Re: Petition No. 457. Paul W. Laube, Jr.

Request permission to use berm and relocate public sidewalk along the west side of Hayes at 15042 Collingham.

Petition No. 457 of Paul W. Laube, Jr.

requests permission to use the berm and relocate public sidewalk along the west side of Hayes Avenue (120 feet wide) at 15042 Collingham Drive.

A field investigation of the request was made by the City Engineering Department. In compliance with City Council policy adopted on August 24, 1972 (J.C.C. pages 2195-97) the request was reviewed by the Berm Committee.

The Berm Committee has no objection to this request, subject to these conditions:

1. No parking of vehicles, boats, campers or trailers within the berm area.
2. No buildings, garage, tool shed, swimming pool, slabs, driveways or any other structure shall be placed on the berm area.
3. City departments and utility companies retain access rights to the berm area.
4. The petitioner shall pay all costs to construct and maintain a new replacement public sidewalk within the remaining (unfenced) berm area of Hayes. All sidewalk work shall be under City permits, inspection and specifications.

The petitioner has filed a letter agreeing to accept these Berm Committee restrictions.

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

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Mahaffey:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to Paul W. Laube, Jr. to use a portion of berm area (27 feet by 103.50 feet) along the west side of Hayes Avenue adjoining 15042 Collingham Drive; property described as:

Lying easterly of and abutting the north 103.50 feet as measured along the east line of Lot 561 of Drennan and Seldon's Regent Park Subdivision No. 1 of part of the Northeast Quarter of Section 1, Town 1 South, Range 12 East and part of the Northwest Quarter of Section 6, Town 1 South, Range 13 East, City of Detroit, Wayne County, Michigan as recorded in Liber 55, Page 88, Plats, Wayne County Records;

Provided, The petitioner (before obtaining permits) shall 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 permission; and