

By Council Member Peoples:

Resolved, That resolutions adopted July 29, 1987 (JCC p 1780), October 15, 1986 (JCC pp 1959-1963), October 29, 1986 (JCC pp 2035-2038), October 8, 1986 (JCC p 1931), April 15, 1987 (JCC pp 818-819), September 16, 1987 (JCC p 2020), September 16, 1987 (JCC p 2022), September 16, 1987 (JCC pp 2020-2021), and September 23, 1987 (JCC pp 2085-2086) for the removal of dangerous structures at various locations, be and the same are hereby amended for the purpose of deferring the removal orders only for dangerous structures at 15016 Birwood, 10505 W. Chicago, 11697 Woodmont, 14350 Wilfred, 13333 Whitcomb, 2536 Tuxedo, 19651 Keating, 12518 Corbett, and 15738 Greyscale, respectively, in accordance with the nine (9) foregoing communications.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

City Engineering Department

November 20, 1987

Honorable City Council:

Re: Petition No. 256, Gilbert Aaronson, Conversion to easement of portion of east-west public alley west of Goldner between Otis and Michigan; also fuel line encroachments into easement.

Petition No. 256 of Gilbert Aaronson requests the conversion of a portion of east-west public alley, 18 feet wide, west of Goldner Avenue between Otis and Michigan Avenues (12-A) 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 petition plans to use the paved alley return entrance and requests such remain in its present status. The petitioners shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

In an addendum letter (submitted to the City Engineering Department) the petitioner requests permission to encroach across the proposed utility easement with underground fuel lines.

The fuel line encroachments shall be subject to all Detroit ordinances and codes governing fuel storage tank systems. Also, the encroachments shall be installed and maintained in accord with the rules and regulations of the Buildings and Safety Engineering Department, the Fire Marshall, and the City Engineering Department.

All involved City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement or the proposed encroachment. However, care and caution are necessary in the placement of the below-grade fuel lines. 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. Provisions protecting utility installations are part of the resolution.

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

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Peoples:

Resolved, The City Engineering Department is hereby authorized to issue permits to "Royal Services" to install and maintain underground fuel service lines encroaching across the east-west (public) alley, 18 feet wide, west of Goldner Avenue between Otis and Michigan Avenues, property described as:

Lots 6 and 7 of "Charles and Fred Goldner's Subdivision of Lot 1 and Lots 20 to 27, inclusive, of Goldner's Subdivision of Outlot 45, Private Claim 30," City of Detroit, Wayne County, Michigan as recorded in Liber 451, Page 588, Deeds, Wayne County Records;

Encroachment to consist of underground fuel service lines across the east-west (public) alley, 18 feet wide, at the rear of 4701 Michigan Avenue (the above described property);

Provided, Said encroachment shall be subject to all Detroit ordinances and codes governing fuel storage tank systems. The underground fuel service line encroachments shall be installed and maintained in accord with plans submitted to and approved by the Buildings and Safety Engineering Department and the Fire Marshall; and

Provided, The use and placement of said fuel storage tank system and underground service lines shall comply with the rules and regulations of the Fire Marshall, the Buildings and Safety Engineering Department, and the City Engineering Department; 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 installa-

tions 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 be it further

Resolved, That all that part of the east-west public alley, 18 feet wide, west of Goldner Avenue between Otis and Michigan Avenues lying southerly of and abutting the south line of the (vacated) west 2.32 feet of Goldner Avenue (55 feet wide), and Lots 3 to 6; also lying northerly of and abutting the north line of Lot 7 of "Charles and Fred Goldner's Subdivision of Lot 1 and Lots 20 to 27, inclusive, of Goldner's Subdivision of Outlot 45, Private Claim 30," City of Detroit, Wayne County, Michigan as recorded in Liber 451, Page 588, Deeds, 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 and approved underground fuel line encroachments) 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, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

City Engineering Department

October 22, 1987

Honorable City Council:

Re: Petition No. 1440, Community and Economic Development Department (Grayhaven-Lenox Joint Venture) Conversion to easement of portions of Avondale, Continental and part of the north-south public alley; also land dedication for Continental Avenue public street turnaround; all east of Kitchener, south of Essex.

To develop a parcel in the Grayhaven Project area it is necessary to convert portions of public streets and alley into utility easement(s). These are the requested public street and alley vacations:

(1) part of Avondale Avenue, 60 feet wide, lying east of Kitchener Avenue

(2) part of Continental Avenue, 50 feet wide, lying between Avondale and Essex Avenues

(3) part of the north-south public alley, 18 feet wide, in the block bounded by Kitchener, Continental, Avondale and Essex Avenues.

Also, it is necessary to dedicate City-owned land for a Continental Avenue public street turnaround (north of Avondale Avenue).

The requested conversions into public utility easements were approved by the Department of Transportation. Also, the Department of Transportation has designed the Continental Avenue public street turnaround.

The City Planning Commission has reviewed the "Greyhaven" development plans. The City Planning Commission has submitted a conditional report (dated September 21, 1987) to your Honorable Body.

The petition was referred to the City Engineering Department for investigation and report. This is our report:

The developer plans to use the paved (Avondale) street return entrance and requests such remain in its present status. The developer shall 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 rights-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

An appropriate resolution is attached

for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Ravitz:

Resolved, All that part of Avondale Avenue, 60 feet wide, lying east of Kitchener Avenue (60 feet wide); also

All that part of Continental Avenue, 50 feet wide, lying between Avondale and Essex Avenues; also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Kitchener, Continental, Avondale and Essex Avenues;

The above public rights-of-way are contained within the bounds of a land parcel, being more particularly described as:

Beginning at the Northeast corner of Kitchener Avenue, 60 feet wide, and Avondale Avenue, 60 feet wide; thence northerly along the East line of said Kitchener Avenue, 30.00 feet; thence North 64° 08' 10" East along a line parallel to the North line of said Avondale Avenue, 268.00 feet, to a point on the East line of Continental Avenue, 50 feet wide; thence South 25° 51' 50" East, 30.00 feet along said East line of Continental Avenue to the Northeast corner of said Continental Avenue and said Avondale Avenue; thence South 25° 51' 50" East, 40.00 feet; thence South 64° 08' 10" West, 285.40 feet to a point; thence Northeastly to the Northeast corner of said Kitchener Avenue and said Avondale Avenue, said corner also being the point of beginning;

All of the above mentioned public streets and alley appear in the following subdivision(s) and/or previously adopted Council resolutions:

1) "St. Clair Park Subdivision" of part of Private Claims 315 and 322, South of Jefferson Avenue, City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 90, Plats, Wayne County Records; also

2) All that part of Private claims 315 and 322 dedicated to the City of Detroit for street and alley purposes on March 16, 1920 (J.C.C. Page 363), said strip of land lies between the "St. Clair Park Subdivision" as recorded in Liber 27, Page 90, Plats, Wayne County Records; and the Private Plat of "Grayhaven" being a subdivision of Private Claims 315 and 322; also

3) All that part of Avondale Avenue, 60 feet wide, as opened on March 28, 1967 (J.C.C. page 618);

Be and the same are hereby vacated as public streets and alley and are hereby converted into a public easement of the full width of the streets and alley, which easement shall be subject to the