

County Road Commission recently contacted me stating that they would not issue a closure permit unless the City Council by resolution absolves Wayne County of any responsibility, claims, damages, or expenses.

Therefore, the attached amending resolution is provided for your consideration.

Respectfully submitted,  
JEFFERY D. BLAINE  
Deputy City Clerk

By Council Member Mahaffey:

Whereas, On April 1, 1987, the City Council adopted a resolution granting permission to Warrendale Business Association, Inc. (919) to hold a festival on July 24 through July 27, 1987 and to close West Warren between the Southfield Freeway and Evergreen during the period of the festival, subject to various provisions; and

Whereas, The Wayne County Road Commission, in order to issue a closure permit, requires that the City Council absolve Wayne County of any claims, damages, responsibility or expenses;

Now, Therefore, Be It Resolved, That the aforesaid resolution be amended to include a provision absolving Wayne County of any claims, damages, expenses or responsibility related to the granting of Petition No. 919.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — Collins — 1.

\*RECONSIDERATION (No. 9), per Motions before Adjournment.

**City Engineering Department**

April 6, 1987

Honorable City Council:

Re: Petition No. 961, Manor Industries Conversion to easement of portion of east-west public alley west of Raymond between Traverse and Grinnell.

Petition No. 961 of Manor Industries requests the conversion of a portion of east-west public alley, 16 feet wide, west of Raymond Avenue between Traverse and Grinnell Avenues 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 plans to use the paved alley return entrance and requests such remain in its present status. The petitioner 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 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 Peoples:

Resolved, That all that part of the east-west public alley, 16 feet wide, in the block bounded by Traverse, Grinnell, Raymond and McClellan Avenues lying southerly of and abutting the south line of Lots 87 to 90, also lying northerly of and abutting the north line of Lots 239 to 242, all inclusive, of Fairmount Park Subdivision of a part of Fractional Sections 22 and 23, known as Private Claim 12. Hamtramck and Grosse Pointe, City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 99, 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 or 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 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 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, his 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, Mahaffey, Peoples, Ravitz, and President Henderson

— 8.  
Nays — None.

\*RECONSIDERATION (No. 10), per Motions before Adjournment.

**City Engineering Department**

April 7, 1987

Honorable City Council:  
Re: Petition No. 3830 (Addendum — part of the new building addition,

roof overhang and drainage), St. Phillips Missionary Baptist Church. Request permission to maintain existing encroachments over the north-south public alley in the block bounded by Rangoon, Livernois, Floyd and Clifton.

The original Petition No. 3830 of St. Phillips Missionary Baptist Church requested the outright vacation of the southerly 105.00 feet of the north-south public alley, 18 feet wide, west of Livernois between Floyd and Clifton to build a new church addition. A resolution was adopted by your Honorable Body granting the petition on July 9, 1986 (J.C.C. pages 1416-17).

However, a mortgage survey reveals the petitioner has built over the southerly 116.00 feet of the north-south public alley, 18 feet wide, west of Livernois between Floyd and Clifton.

This addendum addresses the petitioner's request to maintain that part of the new church addition (built 1986) encroaching (approximately) 11 feet by 18 feet over the public alley. The roof overhang and drainage extends further into and over the public right-of-way.

Additionally, the existing encroachments may impact the turning of DPW garbage collection vehicles in the remaining public alley. The petitioner will be required to alter, modify and/or maintain the building encroachments to allow unimpeded access as necessary for DPW vehicles. Also, provisions protecting utility installations are part of the encroachment resolution.

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

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Peoples:

Resolved, That the City Engineering Department is hereby authorized to issue permits to St. Phillips Missionary Baptist Church to maintain the existing public alley (north-south, 18 feet wide) encroachments in the block bounded by Rangoon, Livernois, Floyd and Clifton Avenues, property described as:

The north 11.00 feet of the south 116.00 feet of Lot 212, the north 2.00 feet of Lot 210 and the south 9.00 feet of Lot 211 of Haggerty Land Company's Subdivision of part of Section 4, Fractional Section 3, and Private Claim 266, Town 2 South, Range 11 East, Springwells Township, City of Detroit, Wayne County, Michigan as recorded in Liber 36, Page 26, Plats, Wayne County Records;

Encroachments to consist of that part of the new church addition built over the public alley (approximately 11 feet by 18 feet); also the roof overhang and