

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 to 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, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

City Engineering Department

March 21, 1988

Honorable City Council:

Re: Petition No. 1237, Park Motor Sales Company, Conversion to easement of portion of Erle and public alleys in the area bounded by Woodward, Charleston, Nevada and Savannah; also change remaining part of Erle to two-way traffic.

Petition No. 1237 of Park Motor Sales Company requests the conversion of portion of Erle Avenue, 60 feet wide, and public alleys (8, 16 and 20 feet wide) in the area bounded by Woodward, Charleston, Nevada and Savannah Avenues into an easement for public utilities.

The petitioner wishes to consolidate property for business expansion.

The Police Department and the Department of Transportation have reported it will be necessary to change the remaining part of Erle (east end) from one-way to two-way traffic.

The requested conversions into an easement for public utilities were 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 (preliminary) expansion plans submitted by the petitioner show 3 signs are proposed. The base of the proposed signs must be placed on private prop-

erty. If the proposed signs project over the public rights-of-way, the petitioner will be subject to the conditions of Detroit Code Section 3, Articles 4 and 5. To erect and maintain signs, the petitioner must make application to the Buildings and Safety Engineering Department prior to the installation of any signs. Also, all signs installation and maintenance shall be according to Detroit Building Code specifications, bonds and permits (BOCA Code, Article 14 — "Signs" — Section 1400.00 to 1415.20).

The Fire Department will require 24-hour-per-day access to all hydrants. No trees, materials, vehicles, buildings or other obstructions shall be placed within 15 feet of any hydrant. The petitioner shall be liable for all damages and incidental repair costs to hydrants inside their (fenced) property.

The Water and Sewerage Department will require unimpeded 24-hour-per-day access to service their facilities. Any fence or gate installation (across Erle) must provide 13 feet horizontal and 13 feet vertical clearance(s) for maintenance vehicles.

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 Ravitz:

Resolved, That all that part of Erle Avenue, 60 feet wide, between Woodward and Charleston Avenues lying southerly of and abutting the south line of Lot 23; also lying southerly of and abutting the south line of the previously vacated north-south public alley, 20 feet wide, (August 7, 1948 — J.C.C. page 2246); also lying southerly of and abutting the south line of the west 150.00 feet of Lot 29, Lots 27 and 28; also lying northerly of and abutting the north line of Lot 22; also lying northerly of and abutting the north line of the north-south public alley, 20 feet wide; also lying northerly of and abutting the north line of Lots 41 to 47 as platted in "Hugo H. Stender's Subdivision of Lots 7, 8, 9, 15 and 16 and part of Lot 14 Youngblood's Subdivision of the East part of the Southeast Quarter of Section 11, Town 1 South, Range 11 East, Greenfield Township," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 53, Plats, Wayne County Records; also

All that part of the north-south public alley, 20 feet wide, in the block bounded

by Woodward, Charleston, Nevada and Erle Avenues lying westerly of and abutting the west line of Lot 47; also lying easterly of and abutting the east line of the north 5.00 feet of Lot 18, Lots 19 to 22 as platted in "Hugo H. Stender's Subdivision of Lots 7, 8, 9, 15 and 16 and part of Lot 14 Youngblood's Subdivision of the East part of the Southeast Quarter of Section 11, Town 1 South, Range 11 East, Greenfield Township," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 53, Plats, Wayne County Records; also

All that part of the north-south public alley, 16 feet wide, east of Woodward Avenue between Erle and Savannah Avenues lying westerly of and abutting the west line of Lot 116; also lying westerly of and abutting the west line of the east-west public alley, 8 feet wide; also lying easterly of and abutting the east line of Lots 1 to 3 as platted in "Parkside Subdivision of that part of Lot 5 of Subdivision of East Half of Northwest Quarter and West Half of Northeast Quarter of Section 11, Town 1 South, Range 11 East, lying East of Woodward Avenue, Greenfield Township," City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 63, Plats, Wayne County Records; also

All that part of the east-west public alley, 8 feet wide, east of Woodward Avenue between Erle and Savannah Avenues lying southerly of and abutting the south line of Lots 109 to 116 as platted in "Parkside Subdivision of that part of Lot 5 of Subdivision of East Half of Northwest Quarter and West Half of Northeast Quarter of Section 11, Town 1 South, Range 11 East, lying East of Woodward Avenue, Greenfield Township," City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 63, Plats, Wayne County Records;

Be and the same are hereby vacated as a public street and alleys and are hereby converted into a public easement of the full width of the street and alleys, 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 street and alleys and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public street and alleys 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 street or 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 street and alleys 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 street and alleys 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 the petitioners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and

Provided, The petitioner shall make application to the Buildings and Safety Engineering Department prior to the installation of any signs. The base of the signs shall be placed on private property. If signs project over public rights-of-way, the petitioner shall be subject

to the conditions of Detroit Code Section 3, Articles 4 and 5. Also, all sign installation and maintenance shall be according to Detroit Building Code specifications, bonds and permits as required; and

Provided, The petitioner shall maintain 24-hour-per-day access to all hydrants as required by the Fire Department. No trees, materials, vehicles, building or other obstructions shall be placed within 15.00 feet of any hydrant. The owners shall be liable for all damages and incidental repair costs to hydrants inside their (fenced) property; and

Provided, The petitioner's fence and gate installation(s) shall provide 13 feet horizontal and 13 feet vertical clearance(s) for utility maintenance vehicles; 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; and be it further

Resolved, That Department of Transportation is hereby directed to convert the remaining part of Erle Avenue (west of Charleston Avenue) to two-way vehicular traffic.

Adopted as follows:

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

Nays — None.

City Engineering Department

March 17, 1988

Honorable City Council:

Re: Petition No. 1655. Sterling-Detroit Company, et al. Temporary Street Closing. Hildale between Omira and Grand Trunk Railroad.

Petition No. 1655 of Sterling-Detroit Company, et al requests the temporary closing of Hildale Avenue, 50 feet wide, between Omira Avenue and Grand Trunk Railroad.

The request was approved by the Community and Economic Development Department with certain restrictions.

The Water and Sewerage Department will require unimpeded access to an existing water main. Any fence and gate installation must provide 13 feet horizontal and 13 feet vertical clearance(s) for maintenance vehicles.

The petitioner has deposited the following city department reimbursement cost:

Department of Transportation—Accounting: \$30.00. Deposit to remove street sign.

All other City departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress

and egress at all times to their facilities.

An appropriate resolution containing the necessary conditions is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Ravitz:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "Sterling-Detroit Company, et al" to close Hildale Avenue, 50 feet wide, between Omira Avenue and Grand Trunk Railroad lying southerly of and abutting the south line of Lots 229 to 235; also lying northerly of and abutting the north line of Lots 236 to 242 as platted in "Kiefer Homes Subdivision" of part of Southeast Quarter of Northwest Quarter of Section 12 and part of Northeast Quarter of Southeast Quarter of Section 12, Town 1 South, Range 11 East, lying East of D.G.H. & M.R.R., Greenfield Township, City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 14, Plats, Wayne County Records; on a temporary basis to expire on April 1, 1993;

Provided, The petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public street closing; and

Provided, The permit shall be issued after the petitioner has recorded a certified copy of this resolution with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs; and

Provided, The property owned by the petitioner and adjoining the temporary public street closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the street; and

Provided, No building or other structure (except necessary line fence) shall be constructed on or over the street. The petitioner shall observe the rules and regulations of the City Engineering Department. The City of Detroit retains all rights and interests in the temporarily closed public street. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public street. Further,