

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 sewer. Any fence and gate installation must provide 13 feet horizontal and 13 feet vertical clearance(s) for maintenance vehicles.

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 Collins:

Resolved, That City Engineering Department is hereby authorized and directed to issue permits to "W. A. Garrett, et al" to close a portion of the east-west public alley, 18 feet wide, in the block bounded by Gilchrist and Biltmore Avenues, West McNichols Road, and Santa Maria Avenue lying southerly of and abutting the south line of Lot 146; also lying northerly of and abutting the north line of the west 16.65 feet of Lot 1, and Lots 2 to 5 as platted in "B. E. Taylor's Elmoor Subdivision" lying North of Grand River Avenue being a part of the Southwest Quarter of Section 12, Town 1 South, Range 10 East, Redford Township, City of Detroit, Wayne County, Michigan as recorded in Liber 43, Page 92. Plats, Wayne County Records; on a temporary basis to expire on June 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 alley 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 alley closing shall be subject to the proper zoning or regulated use (Board

of Zoning Appeals Grant) over the total width and length of the alley; and

Provided, No building or other structure (except necessary line fence) shall be constructed on or over the alley. 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 alley. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Department by the petitioner at the petitioner's expense; and

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

Provided, This resolution is revocable at the will, whim or caprice of the City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and

Provided, This permit shall not be assigned or transferred without the written approval of the City Council.

Adopted as follows:

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

Nays — None.

#### City Engineering Department

April 25, 1988

Honorable City Council:

Re: Petition No. 1577 The Boomer Company Conversion to easement of a second portion of Garfield between St. Aubin and the Grand Trunk Railroad.

Petition No. 1577 of "The Boomer Company" requests the conversion of a second portion of Garfield Avenue, 60 feet wide, between St. Aubin Avenue and the Grand Trunk Railroad into an easement for public utilities.

A westerly portion of said Garfield

Avenue (60 feet wide) was converted into a utility easement by your Honorable Body on March 2, 1983 (J.C.C. pages 423 to 424).

The requested conversion into an easement for public utilities 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 the following city department reimbursement cost:

Public Lighting Department — Accounting: \$500.00, Advance deposit for annual street lighting maintenance cost.

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 Collins:

Resolved, All that part of Garfield Avenue, 60 feet wide, between St. Aubin Avenue and the Grand Trunk Railroad (not previously vacated by the resolution of City Council on March 2, 1983—J.C.C. pages 423 to 424) lying southerly of and abutting the south line of Lots 15 to 18 as platted in "Potter's Subdivision" of the south 250.43 feet of Outlot 24, Witherell Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 67, Plats, Wayne County Records; also lying southerly of and abutting the south line of the west 210.00 feet of Lot 25 as platted in "Moran's Subdivision" of that part of Outlot 43, St. Aubin Farm, North of Fremont Street (Now Canfield Avenue), City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 58, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lots 19 and 20 as platted in the above mentioned "Potter's Subdivision," City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 67, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lots 17 to 23 as platted in the above mentioned "Moran's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 7, page 58, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 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 street 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 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 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 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

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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, Each year the petitioner shall pay the cost to maintain public street lights as required by the Public Lighting Department; 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, Mahafey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

### City Engineering Department

May 3, 1988

Honorable City Council:

Re: Petition No. 1540. Bread of Life Missionary Temple, et al. Temporary Alley Closing, portion of the east-west public alley in the block bounded by Terry, Lauder, Grand River and Intervale.

Petition No. 1540 of "Bread of Life Missionary Temple, et al" requests the temporary closing of a portion of the east-west public alley, 16 feet wide, in the block bounded by Terry, Lauder, Grand River and Intervale Avenues.

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

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

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 Kelley:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to the "Bread of Life Missionary Temple, et al" to close a portion of the east-west public alley, 16 feet wide, in the block bounded by Terry, Lauder, Grand River and Intervale Avenues lying between and abutting the east line extended northerly of Lot 260 to the southeast corner of Lot 265, and the west line extended north-

erly of Lot 264 to a point on the south line of said Lot 265 as platted in "B. E. Taylor's Monmoor Subdivision" of part of East Half of Southwest Quarter of Section 19, Town 1 South, Range 11 East, lying North of Grand River Avenue, Greenfield Township, City of Detroit, Wayne County, Michigan as recorded in Liber 33, Page 20, Plats, Wayne County Records; on a temporary basis to expire on June 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 alley 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 alley closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the alley; and

Provided, No building or other structure (except necessary line fence) shall be constructed on or over the alley. 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 alley. The City, and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Department by the petitioner at the petitioner's expense; and

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

Provided, This resolution is revocable at the will, whim or caprice of the City Council without cause. The peti-