

tains 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, 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, 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, Mahaffey and President Henderson — 7.

Nays — None.

*RECONSIDERATION (No. 6), per Motions before Adjournment.

City Engineering Department

April 18, 1988

Honorable City Council:

Re: Petition No. 1739. Michigan Health Care Corporation. Conversion to easement of portion of east-west public alley east of Hoyt between E. Seven Mile and Maddelein.

Petition No. 1739 of Michigan Health Care Corporation requests the conversion of a portion of the east-west public alley, 20 feet wide, east of Hoyt Avenue between E. Seven Mile Road and Maddelein Avenue 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 (into Hoyt) and requests such remain in its present status. The petitioner shall pay all incidental removal costs whenever discon-

tinuance 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 Mahaffey:

Resolved, All that part of the east-west public alley, 20 feet wide, east of Hoyt Avenue between E. Seven Mile Road and Maddelein Avenue lying southerly of and abutting the south line of Lot 66; also lying northerly of and abutting the north line of the west 20.00 feet of Lot 65, Lots 63 and 64 of "Kelly's Gratiot Park (Subdivision)" of a part of the South Half of the Southwest Quarter of Section 1, Town 1 South, Range 12 East, Gratiot Township, City of Detroit, Wayne County, Michigan as recorded in Liber 40, Page 11, 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 of surface grade made without prior approval of the City Engineering Department,

Fourth, that if the owners or 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 (into Hoyt) 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, Eberhard, Hood, Kelley, Mahaffey, and President Henderson — 7.

Nays — None.

*RECONSIDERATION (No. 7), per Motions before Adjournment.

City Engineering Department

April 15, 1988

Honorable City Council:

Re: Petition No. 1610. Crowley's. Request permission to construct and

maintain a loading dock across 17th Street (utility easement) between W. Fort and W. Lafayette.

Petition No. 1610 of "Crowley's" requests permission to construct and maintain a loading dock encroaching 19 feet by 45 feet across 17th Street, 60 feet wide, between W. Fort Street and W. Lafayette Avenue.

The former public street (portion) was converted into a public utility easement on December 12, 1979 (J.C.C. pages 3475 to 3476).

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

The petitioner plans to build over the City water main abutting their property. The portion of the water main servicing only the petitioner's property will be abandoned by the Water and Sewerage Department. The existing main must be cut and capped. All costs for cutting, capping, inspection and permits will be borne by the petitioner.

All other involved City departments and privately-owned utility companies have reported no objection to this encroachment. However, care and caution are necessary in the placement of a foundation below grade. City and private utilities have requested the petitioner make use of "Miss Dig" facilities before construction. 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.

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 to issue permits to "Crowley's" to construct and maintain a loading dock across the public utility easement (formerly 17th Street, 60 feet wide, between W. Fort Street and W. Lafayette Avenue), property described as:

Lots 34 and 35 of the Plat of the Subdivision of part of Private Claim 473, known as the Stanton Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 47, Pages 558 and 559, Deeds, Wayne County Records; also said public street (portion of 17th between W. Fort and W. Lafayette) having been converted into a public utility easement by City Council on December 12, 1979 (J.C.C. pages 3475-76);

Encroachment to consist of a loading dock with below grade foundation (approximately 19 feet by 45 feet) extending