

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 15 feet horizontal and 13 feet vertical clearance 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, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

### City Engineering Department

August 31, 1989

Honorable City Council:

Re: Petition No. 2593. Ronald Goethe. Alley to Easement portion of east-west public alley in the block bounded by Warwick, Artesian, W. Warren and Sawyer.

Petition No. 2593 of Ronald Goethe requests the conversion of a portion of the east-west public alley, 18 feet wide, in the block bounded by Warwick, Artesian, W. Warren, and Sawyer Avenues into an easement for public utilities.

The requested conversion 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 Warwick) 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 objections to the conversion of public rights-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 Cleveland:

Resolved, All that part of the east-west public alley, 18 feet wide, in the block bounded by Warwick, Artesian, W. Warren, and Sawyer Avenues lying southerly of and abutting the south line of Lot 110; also lying southerly of and abutting the south line of the north-south public alley, 18 feet wide (previously vacated on July 15, 1981 — J.C.C. pp. 1687-90); also lying northerly of and abutting the north line of the west 6.00 feet of Lot 102; also lying northerly of and abutting the north line of Lots 103 to 109 of "Warrendale" being a Subdivision of East Two-Thirds of Southeast Quarter of Northwest Quarter and East Two-Thirds of East Half of Southwest Quarter of Section 2, Town 2 South, Range 10 East, Dearborn Township, City of Detroit, Wayne County, Michigan as recorded in Liber 43, Page 38, 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 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 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 (into Warwick Avenue), 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, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

**City Engineering Department**  
August 31, 1989

Honorable City Council:

Re: Petition No. 2695. General Truck Sales, et al. Temporary Alley Closing north-south public alley in the block bounded by Livernois, Warrington, St. Martins and Pembroke. Petition No. 2695 of "General Truck Sales, et al" requests the temporary closing of the north-south public alley, 18

feet wide, in the block bounded by Livernois Avenue, Warrington Drive, St. Martins and Pembroke Roads.

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 15 feet horizontal and 13 feet vertical clearance 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 Cleveland:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to "General Truck Sales, et al" to close the north-south public alley, 18 feet wide, in the block bounded by Livernois Avenue, Warrington Drive, St. Martins and Pembroke Roads lying westerly of and abutting the west line of Lots 179, 183, 186, 189, 192, 195, 198, and 200, all inclusive; also lying easterly of and abutting the east line of Lots 180, 181, 182, 184, 185, 187, 188, 190, 191, 193, 194, 196, 197, 199, and 201, all inclusive, as platted in "Sherwood Forest Subdivision" of Part of Southwest Quarter of Section 3, Town 1 South, Range 11 East, Greenfield Township, City of Detroit, Wayne County, Michigan as recorded in Liber 39, Page 11, Plats, Wayne County Records; on a temporary basis to expire on October 1, 1994;

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