

the residential lot (Size: 50' x 127.50'); and further

Provided, The petitioner shall maintain a minimum vertical clearance of 8.00 feet from any high voltage overhead utility wire(s) as required by the Public Lighting Department; and further

Provided, If the public sewer, utility poles, or overhead wires located (or to be located) in said public utility easement shall break or be damaged as a result of any action on the part of the petitioner or their assigns (by way of illustration but not limitation, such as storage of materials or any construction not in accordance with Detroit Building Code), then the petitioner or assigns shall be liable for all costs incidental to the repair of the broken or damaged public sewer, utility poles, or overhead wires. The petitioner and assigns shall be liable for all claims, damages, or expenses resulting from their action(s); and further

Provided, If the public sewer, utility poles, or overhead wires located (or to be located) in said public utility easement shall break, causing damage to any construction, property or materials, the owners for themselves, their heirs and assigns, (by acceptance of permits for construction near the public sewer or overhead utility wires) waives all claims for damages to the encroaching installations and agree to pay the costs incurred in their removal, if removal becomes necessary; and further

Provided, If it becomes necessary to repair or replace the public sewer, utility poles, or overhead wires located (or to be located) in said public utility easement, the owners for themselves, their heirs and assigns, (by acceptance of permits for construction near the public sewer or overhead utility wires) waives all claims for damages to the encroaching installations and agree to pay the costs incurred in their removal, if removal becomes necessary; and further

Provided, The permittee (at the time of obtaining said permits) shall file with the Finance Director an indemnity agreement in form approved by the Law Department, saving and protecting the 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 further

Provided, 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 the permittee acquires no

implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further

Provided, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Collins, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

City Planning Commission

June 8, 1989

Honorable City Council:

Re: Petition #2730, Milford Fabricating Co., for vacation of triangular piece adjacent to Lot 40 in the vicinity of Westwood and Glendale Avenue.

Below is the CPC staff report regarding the above mentioned petition.

On or about October 5, 1965 the petitioner reports that Your Honorable Body dedicated a portion of Lot 40 in the B.E. Taylor's Consolidated Railroad Site Subdivision. The subject portion is at the northeast corner of Westwood and Glendale. This portion of the parcel is now a right-of-way owned by the City of Detroit.

At this time the subject portion is used as a parking lot for the adjacent business. The owner of the adjacent business parcel and lot 40 wishes to expand and rebuild a portion of its facilities. The business is interested in acquiring the subject parcel upon vacation by the City to accommodate its expansion.

Upon a site visit by CPC staff it appears that it is no longer necessary for the subject portion to remain right-of-way. CPC staff recommends approval of the proposed vacation upon approval of appropriate City departments, including City Engineering and affected utility companies.

Respectfully submitted,
MARSHA S. BRUHN,
Director
JOHN F. BARAN,
Staff

City Engineering Department

August 27, 1990

Honorable City Council:

Re: Petition No. 2730, Milford Fabricating Company, Street to Easement, triangular portion at the northeast corner of Westwood and Glendale.

Petition No. 2730 of "Milford Fabricating Company" requests the conversion of a triangular portion of public street right-of-way at the northeast corner of Westwood and Glendale Avenues into an easement for public utilities.

The original request for an outright vacation was approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation (utility clearances) and report. This is our report:

The petitioner plans to secure a paved parking lot, including the referenced portion of public street right-of-way. Milford Fabricating has submitted an addendum letter to the City Engineering Department changing the petition from an outright vacation (requiring the relocation of utilities) to a request for conversion into a utility easement.

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.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
 CLYDE R. HOPKINS
 Director

By Council Member Collins:

Resolved, All that part of a triangular-shaped portion of public street right-of-way at the northeast corner of Westwood and Glendale Avenues lying southwesterly of and adjoining the southwest line of Lot 40 as platted in "B. E. Taylor's Brightmoor Consolidated Railroad Sites Subdivision" lying South of Grand River Avenue, being a part of the Northwest Quarter of Section 26, Town 1 South, Range 10 East, Redford Township, City of Detroit, Wayne County, Michigan as recorded in Liber 52, Page 48, Plats, Wayne County Records; being more particularly described as follows: Commencing at the southeast corner of said Lot 40; thence S.89°27'45"W. (along the north line of Glendale Avenue, 60 feet wide), 42.30 feet to the point of beginning; thence S.89°27'45"W., 57.70 feet; thence N.0°49'50"W., 70.81 feet; thence S.38°27'28"E. 91.12 feet to the point of beginning containing 2,043 square feet or 0.0469 acres more or less;

Be and the same is hereby vacated as 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 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 3, mentioned above, than in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and further

PROVIDED, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds, and send a certified copy to the State Treasurer.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Collins, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.
Nays — None.

**Community & Economic
Development Department**

August 10, 1990

Honorable City Council:

Re: Repair and Own Program. Authorization to sell various properties.

The Mayor's Executive Order #27 established the Repair and Own Program. This program is designed to permit the purchase, repair and subsequent occupancy of single family dwellings that are owned by the City of Detroit. The B&SE Department has received applications on eligible properties, and the C&EDD has determined the "as is" value of the subject properties after credits for B&SE authorized repairs, would be the purchase price applicable to any eligible participant. Accordingly, we respectfully request City Council approval of the attached resolution, authorizing the Director of C&EDD to issue a Quit Claim Deed on the available properties to an eligible participant of the Repair and Own Program.

Respectfully submitted,
JANNIE M. WARREN
Acting Assistant Director

By Council Member Hill:

Be It Resolved, That in accord with the Mayor's Executive Order #27, establishing the Repair and Own Program, the Director of C&EDD is hereby authorized to issue a Quit Claim Deed to an eligible participant of the Repair and Own Program for the purchase and repair of the following listed properties, upon the completion of authorized repairs as approved by the B&SE Department, and as mutually agreed between B&SE and the applicant.

Address: 13655 Birwood.

Legal Description: Lot 123, Birwood Park.

Purchaser: Marise Sanders.

Address: 18060 Winthrop.

Legal Description: Lot 62, Beechhurst Subdn.

Purchaser: Clifford Snyder, Jr.

The purchase price of the referenced properties are one (\$1.00) dollar.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Collins, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

**Community & Economic
Development Department**

February 13, 1990

Honorable City Council:

Re: Petition #43 — Marine Pollution Corporation to renew closing of Pulaski

south of West Jefferson at Rouge River — previously granted 4-15-84.

Investigation by the staff of this department has disclosed that the grant for the temporary closing of the above described alley has expired and petitioner now wishes an extension of time. There have been no complaints since this alley closing has been in effect and no change in the conditions.

The Department of Transportation, Planning and Traffic Engineering Division and other interested City departments have been contacted and there are no objections to the extension of time.

After careful consideration of all the factors involved, it is the recommendation of the Community and Economic Development Department that the temporary closing of the alley, as shown on Plan #600-795 be extended for an additional five (5) year period subject to all the provisions as they apply to the extension of a temporary closing.

Respectfully submitted,
DALE SAUNDERS
Director

By Council Member Ravitz:

Resolved, That the Department of City Engineering be and is hereby authorized and directed to issue permit to Marine Pollution Corporation, owner of the property adjoining herein concerned, to extend the closing of 50 foot wide Pulaski Street south of W. Jefferson on a temporary basis for a period not exceeding five (5) years from July, 1990 in accordance with the Community and Economic Development Department Plan No. 600-795.

Provided, That Petitioner shall be subject to any tax which may be levied against it pursuant to law with regards to such use of public property; and further

Provided, Petitioner first furnished an agreement, in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the Finance Department; and further

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds, by and at the permittee's expense; and further

Provided, That no building or other structure is constructed in said alley; that Petitioner shall observe the rules and regulations of the Department of City Engineering, and further subject to the following provisions: