

October 4

the Planning and Development Department); and

Whereas, the petitioner has complied with the terms, conditions, and restrictions of the previously granted Council resolutions; therefore be it

Resolved, The City Engineering Division - DPW is hereby authorized and directed to issue permits to "New Jerusalem COGIC" to close the north-south public alley, 18 feet wide, south of Lothrop Avenue and west of Linwood Avenue lying westerly of and abutting the west line of Lots 25 thru 28; also lying easterly of and abutting the east line of Lot 29 of "Crosman and McKay's Subdivision of part of Quarter Section 53, Ten Thousand Acre Tract, Greenfield (Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 17, Page 98, Plats, Wayne County Records; on a temporary basis to expire on October 1, 2000;

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 or unfaithful 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 City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; 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 Division - DPW. 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, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, All of the petitioner's public property fence and gate installation(s) shall be subject to the review and

approval of the City Engineering Division - DPW (if necessary, in conjunction with the Traffic Engineering Division - DPW, and the Planning and Development Department); and

Provided, This resolution does not permit the storage of materials, display of merchandise, or signs within the temporarily closed public alley. Further, the placement of materials, merchandise, or signs on any adjacent public sidewalk space (meaning the space between the lot line of the property and the street curb line) is prohibited; 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 Division - DPW 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; 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 Cleveland, Cockrel, Everett, Ravitz, Scott, Tinsley-Williams, and President Pro Tem Hill — 7.

Nays — None.

#### Department of Public Works City Engineering Division

September 22, 1995

Honorable City Council:

Re: Petition No. 115, Megan, Inc., Alley to Easement east-west public alley in the block bounded by Yorkshire, Bishop, Berden and Harper.

Petition No. 115 of "Megan, Inc." requests the conversion of the east-west public alley, 20 feet wide, in the block bounded by Yorkshire, Bishop, Berden and Harper Avenues into a private easement for public utilities.

The requested conversion was approved by the Planning and Development, Department, Solid Waste Division — DPW, and Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

The petitioner plans to use the paved

alley return entrances (into Yorkshire and Bishop Avenues) and requests such remain in their 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 private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW  
By Council Member Everett:

Resolved, All of the east-west public alley, 20 feet wide, in the block bounded by Yorkshire, Bishop, Berden and Harper Avenues lying southerly of and abutting the south line of Lots 322 thru 332; also lying northerly of and abutting the north line of Lots 321 and 333 of "Grosse Pointe View Subdivision No. 1 of part of Private Claim 111 — lying South of Harper Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 50, Page 23, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities 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; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

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 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 said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

Provided, That if it becomes necessary to remove the paved alley returns at the entrance (into Yorkshire and/or Bishop Avenues), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owners, their heirs or assigns; 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 Cleveland, Cockrel, Everett, Ravitz, Scott, Tinsley-Williams, and President Pro Tem Hill — 7.

Nays — None.

**Department of Public Works  
City Engineering Division**

September 22, 1995

Honorable City Council:

Re: Petition No. 3097, Traffic Jam and