

essary equipment to perform the above mentioned tasks. The utility companies shall use due care in such crossing or use. Any property damaged by the utility companies (other than that specifically prohibited by this resolution) shall be restored to a satisfactory condition; and further

PROVIDED, If it becomes necessary to repair or replace the utilities located or to be located in the public rights-of-way, by the acceptance of this permission, the encroachment owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division — DPW at the encroachment owner's expense; and further

PROVIDED, Said permission to use the above described berm area(s) or public sidewalk space(s) [meaning the space between the lot line of the property and the street curb line] may be rescinded at any time by the Department of Public Works. Further, the issuance of permits does not waive the rights of the city to use the area for street widening or other purposes; and further

PROVIDED, That said permittee shall be subject to any tax under the provisions of the General Property Tax Act which may be levied against it pursuant to law; and further

PROVIDED, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment(s) shall be removed at the expense of the permittee at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW at the permittee's sole cost and expense; and further

PROVIDED, That said permits issued by the City Engineering Division — DPW and/or the Buildings and Safety Engineering Department are granted with the distinct understanding that in the event the City Charter, or Detroit Code(s), or ordinance(s), or resolution(s), or City policies (governing the placement of encroachments in public rights-of-way) are amended to provide for the levying thereafter, of a fee, charge or rental, to be hereafter determined upon, for the occupancy of public streets, alleys or other public places, that the permittee will pay said fee, charge or rental provided for in said Charter, or code(s), or ordinance(s), or resolution(s), or policies; also said permittee does hereby bind itself thereunto, and to accept said permits on the conditions hereby imposed, and in the event

said permittee shall contest the validity of said Charter, or code(s), or ordinance(s), or resolution(s), or policies of said fee, charge or rental, or upon refusal to pay same, these permits shall immediately become void; 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(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

PROVIDED, The installation and maintenance of existing encroachments [parking lot pavement, four public sidewalk tree wells, and plant materials within public street rights-of-way; said installations require the filing of an indemnity agreement, bonds or insurance, and the securing of permit(s)] referred to herein shall be construed as acceptance of this resolution by the permittee; 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 Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

**Department Of Public Works
City Engineering Division**

July 25, 1996

Honorable City Council:

Re: Petition No. 1074. Vesco Oil Corporation, Alleys to Vacation remaining public alleys in the block bounded by Railroad, St. Aubin, Hancock and Warren

Petition No. 1074 of "Vesco Oil Corporation" requests the outright vacation of the remaining public alleys, 18 feet wide, in the block bounded by Grand Trunk Railroad, St. Aubin, E. Hancock and E. Warren Avenues. Recently, Vesco Oil Corporation purchased city-owned property. City Council approved the land sale on April 17, 1996 (J.C.C. page 814).

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

Four utilities have reported the need for adjustments in their services. The utilities affected by the public alley vacations are: Ameritech/Michigan Bell Telephone Company, Comcast Cablevision, Detroit

Edison Company, and the Water and Sewerage Department. "Vesco Oil" has paid the utilities to relocate or abandon their services.

All other city departments and privately owned utility companies have reported no objections to the requested (outright) vacations.

I am recommending adoption of the attached resolution.

Respectfully submitted
SUNDAY JAIYESIMI,
City Engineer

By Council Member Scott:

Resolved, All of the north-south public alley, 18 feet wide, in the block bounded by Grand Trunk Railroad, St. Aubin, E. Hancock and E. Warren Avenues lying westerly of and abutting the west line of Lots 1 thru 6; also lying easterly of and abutting the east line of Lot C; also lying easterly of and abutting the east line of the east-west public alley (18 feet wide, in said block); also lying easterly of and abutting the east line of Lot 53 of "Harrah and Brandenburg's St. Aubin Avenue Subdivision of part of Out Lots 46 and 47, St. Aubin Farm, and Out Lot 25, Witherell Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 9, Plats, Wayne County Records; also

All of the east-west public alley, 18 feet wide, in the block bounded by Grand Trunk Railroad, St. Aubin, E. Hancock and E. Warren Avenues lying southerly of and abutting the south line of Lot C; also lying northerly of and abutting the north line of Lots 53 thru 57 of "Harrah and Brandenburg's St. Aubin Avenue Subdivision of part of Out Lots 46 and 47, St. Aubin Farm, and Out Lot 25, Witherell Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 18, Page 9, Plats, Wayne County Records;

Be and the same are hereby (outright) vacated as public alleys to become part and parcel of the abutting property; and be it further

Resolved, 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, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

**Department Of Public Works
City Engineering Division**

July 26, 1996

Honorable City Council:

Re: Petition No. 1780. Ace Tex Corporation (a/k/a Mechanics Laundry Co.) Utility Easements to Vacation; also requesting permission to retain existing non-standard driveway opening within the western pub-

lic sidewalk space of Fourteenth [all] north of W. Warren between 14th and 15th;

Petition No. 1780 of "Ace Tex Corporation (a/k/a Mechanics Uniform Rental Company)" requests the (outright) vacation of the utility easements [20 feet wide; having been previously vacated and converted into a private easement for public utilities by City Council on December 6, 1989 — J.C.C. pages 2796-99]; also requesting permission to retain an existing non-standard commercial driveway [a single curb cut opening about 304.50 feet in length; NOTE: The maximum single commercial driveway curb cut opening without City Council approval is generally, 50 feet in length, including the turning radii.] within the western public sidewalk space of Fourteenth [all] north of W. Warren Avenue between Fourteenth and Fifteenth Streets. Ace Tex Corporation must agree to hold the city harmless from claims, damages and expenses to retain the existing non-standard driveway.

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

To protect the Public Lighting Department's (PLD) existing access rights to their "Warren Substation" site, the southerly 68.00 (linear) feet of the north-south public alley, 20 feet wide, will remain open. (NOTE: An easement, 20'x51' for access was reserved for the PLD — Warren Substation on January 17, 1967 — J.C.C. pg. 51, over property described as follows: The north 20.00 feet of the south 28.00 feet of the west 51.00 feet of Lot 492 of the "Plat of Part of the Godfroy Farm, Private Claim 726, lying North of Grand River Avenue", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 55, Plats, Wayne County Records;)

All other city departments and privately owned utility companies have reported no objections to the requested (outright) vacations.

I am recommending adoption of the attached resolution.

Respectfully submitted
SUNDAY JAIYESIMI,
City Engineer

By Council Member Scott:

Resolved, All that part of the private easement for public utilities being part of the north-south public alley [20 feet wide; having been previously vacated and converted into a private easement for public utilities by City Council on December 6, 1989 — J.C.C. pages 2796-99], north of W. Warren Avenue between Fifteenth and Fourteenth Streets lying westerly of and