

arise as a result of L.U.S.T. monitoring well placement, installation or maintenance in public rights-of-way; 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 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, 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, That the petitioner shall apply to and become a participating member of the "Miss Dig" organization; and further

Provided, The filing of the indemnity agreement and the securing of the necessary 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; and be it further

Resolved, The petitioner, the "Federal Reserve Bank of Chicago" (Bldg. address: 160 W. Fort Street, Detroit, MI 48226) and/or "Soil and Materials Engineers, Inc.", shall submit "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Division — DPW within 30 days after obtaining the necessary "encroachment" permit to install two proposed monitoring wells. Said "as built" drawing(s) shall furnish a complete means of identifying and ascertaining the precise position of every part of the "encroachment" with courses, distances, and depth throughout (containing City of Detroit datum), so that it may be determined with certainty where any portion of the "encroachment" has been built. Copies of the certified "as built" map(s) and survey(s) shall be an "appendix" to this City Council resolution. Said "appendix" shall be recorded by the City Engineering Division — DPW in 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**

May 2, 1997

Honorable City Council:

Re: Petition No. 1258 [Addendum], American Axle and Manufacturing, Inc., Street Closing part of Greeley Street, between Gillett and Holbrook.

Petition No. 1258 [Addendum] of "American Axle and Manufacturing, Inc. [AAM]" requests the closing of part of Greeley Street, 50 feet wide, between Gillett Street and Holbrook Avenue. City Council previously approved numerous public street and alley vacations (also one partial temporary public alley closing; associated with Petition No. 1258 of "AAM") on December 6, 1995 (J.C.C. pages 3098-3107). At that time Council requested that Greeley Street (south of Holbrook) stay open, pending an investigation and report from the City Planning Commission.

City Council received a favorable report from the City Planning Commission dated October 18, 1996. Thereafter, City Engineering Division — DPW was asked to prepare the necessary resolution.

I am recommending adoption of the attached (addendum) resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

By Council Member Everett:

Whereas, City Council previously approved numerous public street and alley vacations (also one partial temporary public alley closing; associated with Petition No. 1258 of "American Axle and Manufacturing, Inc. [AAM]" on December 6, 1995 (J.C.C. pages 3098-3107). At that time Council requested that Greeley Street (south of Holbrook) stay open, pending an investigation and report from the City Planning Commission; and

Whereas, City Council received a favorable report from the City Planning Commission dated October 18, 1996. Thereafter, City Engineering Division — DPW was asked to prepare the necessary resolution; and

Whereas, The sale of Lot 127 of "Reutter's Subdivision" City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records; is pending at this time. Therefore, AAM is requesting a temporary closing of that part of Greeley Street abutting said Lot 127. The city retains all rights and interests in the part(s) of public street (and alley) abutting said Lot 127. AAM will hold the city harmless from claims, dam-



ages, or expenses that may arise from the temporary closing(s); and

Whereas, The Traffic Engineering Division — DPW approved a public street turnaround at Greeley and Gillett Streets; and

Whereas, If it becomes necessary to remove the street return entrance (into Holbrook), AAM will pay all incidental removal and/or restoration costs; therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to "American Axle & Manufacturing, Inc., a Delaware Corporation whose post office address is 1840 Holbrook Avenue, Detroit, Michigan" to close the following part of public street right-of-way on a temporary basis to expire on January 1, 2001:

All that part of Greeley Street, 50 feet wide, south of Holbrook Avenue lying westerly of and abutting the west line of the east-west public alley [16 feet wide; east of Greeley Street between Holbrook Avenue and Gillett Street]; also lying westerly of and abutting the west line of Lot 126; also lying easterly of and abutting the east line of the east-west public alley [16 feet wide; in the block bounded by the Chrysler Freeway, Greeley Street, Alger and Holbrook Avenues]; also lying easterly of and abutting the east line of Lot 127 of "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records;

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 street (and 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 street (and 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 street (and alley); and

Provided, No building or other structure (except necessary line fence), shall be constructed on or over the street (and 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 street (and 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 street (and 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, 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, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, This resolution does not permit the storage of materials, display of merchandise, or advertising signs within the temporarily closed public street (and alley). Further, the placement of materials, merchandise, or advertising signs on any adjacent berm area is prohibited. It is the intent of this provision to prohibit private advertising within public rights-of-way, but not signs conforming to the current Michigan Manual of Uniform Traffic Control Devices; 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 time period (to expire on January 1, 2001), 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 be it further

Resolved, All that part of Greeley Street, 50 feet wide, between Holbrook Avenue and Gillett Street lying westerly of and abutting the west line of Lots 116 thru 121; also lying easterly of and abutting the east line of the northern 12.32 feet of Lot 43, and Lots 39 thru 42 of "Reutter's Subdivision of part of the East Half of Quarter Section 43, Ten Thousand Acre



Tract, Hamtramck, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 30, Plats, Wayne County Records;

Be and the same is hereby vacated as a part of public street and is hereby converted into a private easement for public utilities 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; 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 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, 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 street and alley return(s) at their entrance(s) (into Holbrook Avenue and/or part of Greeley Street), 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 "American Axle and Manufacturing, Inc.", the abutting owner, 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, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

**Department of Public Works  
City Engineering**

May 2, 1997

Honorable City Council:

Re: Petition No. 717 First Behula Baptist Church Alleys to Easement in the block bounded by Galster, Moran, Garfield, and E. Forest

Petition No. 717 of "First Behula Baptist Church" requests the conversion of an east-west public alley, 18 feet wide; also two north-south public alleys, (both) 18 feet wide in the block bounded by Galster Street, Moran, Garfield, and E. Forest Avenues into a private easement for public utilities.

The requested conversion was approved by 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 entrance (into Garfield Avenue) and requests such remain in its present status. "First Behula Baptist Church" shall pay all incidental removal