

and directed to issue permits to "Ferrini Contracting Corporation" to close Auburn Avenue, 30 and 55 feet wide, lying between and abutting the south line of Glendale Avenue, 60 feet wide and the north line of the Chessie System Railroad right-of-way (variable width); also lying westerly of and abutting the west line of Lots 3 to 6 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; also lying easterly of and abutting the east line of part of the private plat known as "B.E. Taylor's Brightmoor Industrial Unit No. 1" (except that portion dedicated for the widening of said Auburn Avenue on March 11, 1958 — J.C.C. pages 368 and 369), being part of the West Half of the West Half of the Northwest Quarter of Section 26, Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan; on a temporary basis to expire on June 1, 2006;

Provided, That 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 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 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

Provided, No buildings or other structures of any nature whatsoever (except necessary line fence), shall be constructed on or over the street. 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. 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. Further, the petitioner shall comply with all specific conditions imposed to ensure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, All of the petitioner's public

property fence and gate installations 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, displays of merchandise, or signs within the temporary closed public street. Further, the placement of materials, merchandise, or signs on any adjacent berm area 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, The petitioner's fence and gate installation shall provide 13 feet horizontal and 15 feet vertical clearance(s) for utility maintenance vehicles; and

Provided, The petitioner's fence or gate installation shall not interfere with ingress or egress into the fenced-in employee parking lot of "Dearborn Fabricating and Engineering Company", 19440 Glendale, Detroit, Michigan 48223; and

Provided, The petitioner shall pay all Public Lighting Department expenses to reinstall street light(s), if the street is reopened for public use; and

Provided, This resolution is revocable at the will, whim or caprice of the Detroit City Council without causes. The petitioner waives the right to claim damages or compensation for the 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 Detroit City Council.

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

**Department of Public Works  
City Engineering Division**

May 31, 2001

Honorable City Council:

Re: Petition No. 3585 — Mohamad Aoun, et al, requesting alley closure in the area of 10100 East Warren.

Petition No. 3585 of "Mohamad Aoun, et al," representing Universal Petrol, Inc.

— Sunoco Service Station, request the conversion of a portion of the east-west public alley, 16 feet wide, in the block bounded by Cadillac Boulevard, 66 feet wide, Hurlbut Avenue, 60 feet wide, East Forest Avenue, 60 feet wide and East Warren Avenue, 86 feet wide, into a private easement for public utilities.

The request was approved by the Solid Waste Division — DPW, and the 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 Cadillac Blvd.) and request such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

All other 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 Cleveland:

Resolved, That all that portion of the east-west public alley, 16 feet wide, in the block bounded by Cadillac Boulevard, 66 feet wide, Hurlbut Avenue, 60 feet wide, East Forest Avenue, 60 feet wide and East Warren Avenue, 86 feet wide, lying northerly of and abutting the north line of Lot 44; also, lying southerly of and abutting the south line of Lot(s) 39-43, both inclusive, and the west 17.00 feet of Lot 38 as platted in "Goetz Garden Spot Subdivision" of part of Lots 6 & 7 of M.H. Butlers Sub. of part of P.C. 257, City of Detroit, Wayne County, Michigan, as recorded in Liber 37, Page 29, 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 task, 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,

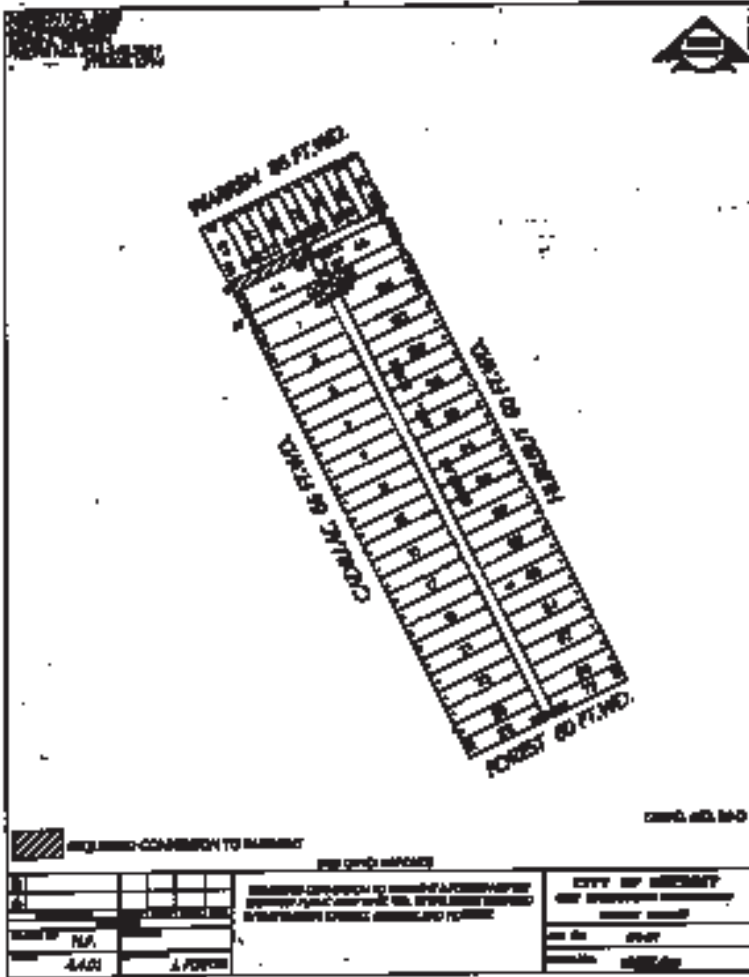
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior 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 changes 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 return at the entrance (into Cadillac Blvd.), 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 owner(s), their heir 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, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**

June 4, 2001

Honorable City Council:

Re: Petition No. 372 — Orchestra Hall, requesting alley to easement, second part of east-west public alley (correction resolution) in the block bounded by Cass, Woodward, Davenport and Parsons.

Petition No. 372 of "Orchestra Hall" requesting conversion of a second part of the east-west public alley, 20 and 30 feet wide, in the block bounded by Cass, Woodward, Davenport and Parsons was granted by your Honorable Body on

January 10, 2001 (J.C.C. pages 133-35).

However, an error in the legal description of said public alley will require correction(s).

An appropriate resolution, correcting the legal description, is attached for consideration by your Honorable Body.

Respectfully submitted,  
 SUNDAY JAIYESIMI

City Engineer

By Council Member S. Cockrel:

Resolved, That for the purpose of "correction" the following legal description (part of the resolution adopted on January 10, 2001 — J.C.C. pages 133-35, granting Petition No. 372 of Orchestra Hall) is hereby replaced (corrections in bold):

Resolved, All that part of the east-west public alley, 20 and 30 feet wide, in the block bounded by Cass and Woodward Avenues, Davenport and Parsons Streets lying southerly of and abutting the south line of Lot 17 **and the east 20.00 feet of**