

tions and agree to pay the costs incurred in their removal and/or alteration, if their removal and/or alteration becomes necessary, and to restore the city right-of-way affected to a condition satisfactory to the City Engineering Division — DPW at “DWCSA”, the encroachment(s) owner, expense; and further

Provided, The petitioner, “DWCSA”, shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims, damages, or expenses that may arise by reason of the issuance of said permits and the faithful or unfaithful 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 encroachments; and further

Provided, The petitioner “DWCSA” shall be required by the Law Department in conjunction with the Finance Department — Risk Management Division to present proof of financial capability (bonds and insurance; the City of Detroit shall be named as coinsured therein) to pay any claims, damages or expenses that may arise as a result of the installation, maintenance or use of non-standard public sidewalk space installations [“Comerica Ballpark” variances depicted in Table “CC” above] within public street rights-of-way. To protect the city in the event of petitioner (“DWCSA”) default, a surety bond in a penal sum sufficient to pay the City of Detroit’s cost to remove or alter the non-standard public [right-of-way] sidewalk space installations [six non-standard commercial curb cut openings greater than 50 feet for the purpose of driveways, and/or approaches to loading docks; if such removal or alteration becomes necessary] shall be maintained by “DWCSA”. Also, “DWCSA” shall maintain said surety bond in perpetuity (with no expiration date). The petitioner shall be unable to obtain a release from said surety bond as long as the non-standard public [right-of-way] sidewalk space installations exist within the public parts of Adams Avenue (60 feet wide), Brush Street (50 feet wide), Beacon Street (50 feet wide), Montcalm Street (50 feet wide), and the Fisher Freeway South Service Drive (M-DOT jurisdiction). The “City Engineering Division — Street Design Bureau” in conjunction with the Traffic Engineering Division — DPW (and the Michigan Department of Transportation [“M-DOT”], if necessary) shall be responsible for determining the amount of said surety bond, and then to transmit the information to the Finance Department; and further

Provided, That no rights in the public streets or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at the expense of “DWCSA” 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 “DWCSA” expense; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and “DWCSA” hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that “DWCSA” acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That “DWCSA” shall apply to and become a participating member of the “Miss Dig” organization; and further

Provided, That the encroachment permit(s) 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 Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.

Nays — None.

### City Engineering Division

June 25, 2002

Honorable City Council:

Re: Petition No. 3939 — Omar Hawari, et. al., requesting for conversion of alley to easement in the area of Edsel Ford Hwy., Whitehead, and Livernois.

Petition No. 3939 of “Omar Hawari, et. al.”, request the conversion of the North-South public alley, 20 feet, in the block bounded by Livernois Avenue, 120 feet wide, Gilbert Avenue, 50 feet wide, Edsel Ford Freeway, and Whitehead Avenue, 39.8 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.

If the petitioner at any time plan to discontinue use of the paved alley return entrance (into Edsel Ford Freeway and Whitehead Avenue), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objection to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility instal-

lations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member S. Cockrel:

Resolved, All that part of the North-South public alley, 20 feet wide, lying Easterly of and abutting the East line of Lot 41, also lying Westerly of and abutting the West line of Lots 5 through 8, both inclusive, in the "Andrew J. Linzee's Subdivision of the Southerly half of Lot (7) Seven of Campaus Subdivision of Private Claim 266 Township of Springwells Wayne County, Michigan, T.2S., R.11E.," as recorded in Liber 8 Page 22, 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, 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,

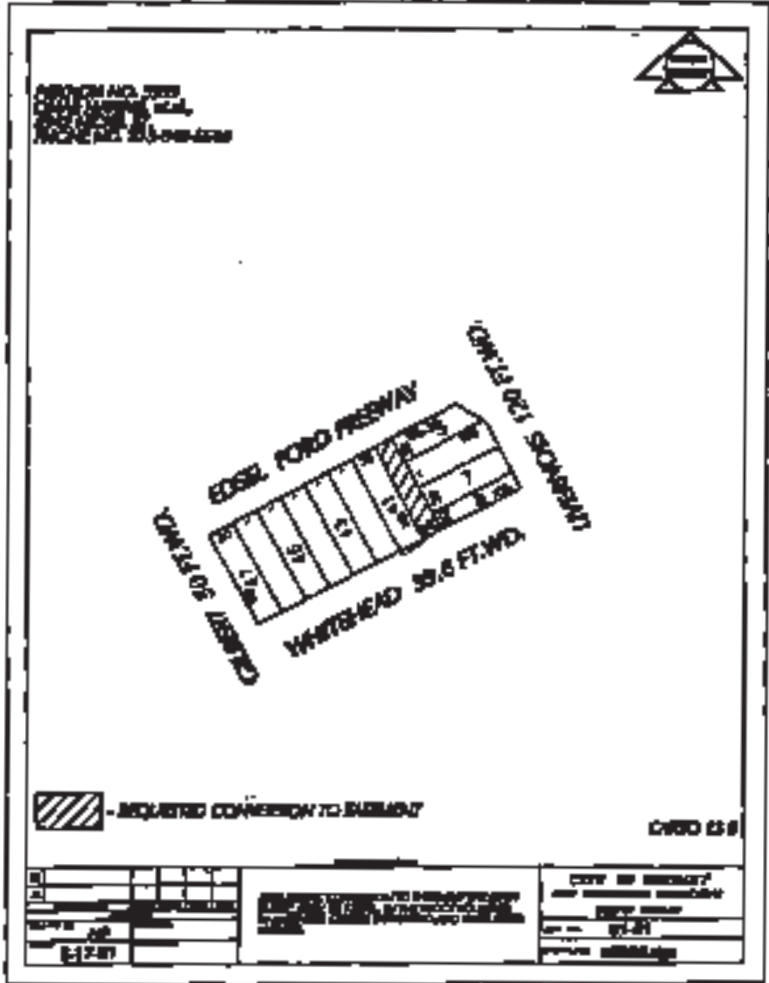
Fourth, that if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 return at the entrance (into Edsel Ford Freeway and Whitehead Avenue), 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 heirs or assigns; and be it 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 Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**

June 19, 2002

Honorable City Council:

Re: Petition No. 4301 — Detroit Transportation Corporation (DTC), requesting temporary encroachment into the public right-of-way in the area of Grand Circus Park and Washington Blvd. to provide egress for the Grand Circus People Mover station.

Petition No. 4301 of "Detroit Transportation Corporation" 1420 Washington Blvd., 3rd Fl., Detroit, Michigan 48226, request to maintain the encroachment of

a Temporary Stairway system within Park Avenue, 60 feet wide, between Washington Boulevard and Woodward Avenue. The David Whitney Building is currently closed for an indefinite period of time and this closure limits the current configuration to one means of egress, which is not acceptable. The Temporary Stairway system encroachment, which measures 8'-6" x 33' to the right-of-way, will provide the required secondary means of egress for the Grand Circus People Mover station. The temporary encroachment will end once the David Whitney Building renovations are completed.

The petition was referred to City Engineering Division — DPW for investigation and report. This is our report.

The Traffic Engineering Division — DPW reports no objections with the requested encroachment provided that