

mit gives you permission to occupy public rights-of-way until such time it is needed again by the City.

The Traffic Engineering Division — DPW reports no objections with the requested encroachments provided that the encroachment does not obstruct pedestrian traffic and does not interfere with official traffic control devices.

The Public Lighting Department (PLD) reports no objections to the proposed encroachments. However, the PLD requires a minimum horizontal clearance of 3'-6" and a vertical clearance of 1'-0" must be maintained from their facilities.

All other involved City departments and privately owned utility companies have reported no objections to the proposed encroachments. Where appropriate, 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 Bates:

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to Ms. W. Perry ("the Petitioner") at 13814 West McNichols, Detroit, Michigan, into a portion of the northerly right-of-way line of West McNichols Avenue, 96 feet wide, between Lesure and Stansbury Avenue(s) to install and maintain encroachments of parking bumpers or bollards, in order to protect the building, adjacent to the following described property:

Land in the City of Detroit, Wayne County, Michigan, lying southerly of and abutting the south line of Lot 57; of "Marygrove Palmer Blvd. Subdivision" of S.W. 1/4 of S.E. 1/4 of Sec. 7, T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 59 Plats, Wayne County Records;

Provided, The encroachments shall be constructed and maintained under the rules and regulations of the City Engineering Division — DPW and the Traffic Engineering Division — DPW (if necessary) also in accord with plans submitted to and approved by the Public Lighting Department (if necessary) and the Detroit Water and Sewerage Department (if necessary); and further

Provided, That all costs for the construction, maintenance, permits and use of the encroachments shall be borne by "the Petitioner" or its assigns; and further

Provided, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments,

shall be borne by "the Petitioner" or its assigns. Should damages to utilities occur "the Petitioner" or its assigns shall be liable for all incidental repairs costs and waives all claims for damages to the encroaching installations; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located within the public rights-of-way, by acceptance of this permission, "the Petitioner" (owners) for themselves, or their assigns, (by acceptance of permits for construction near underground utility lines, conduits, or mains) waives all claims for damages to the encroaching installations and agree to pay all costs incurred in their removal (or alteration), if removal (or alteration) become necessary; and further

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 from any and all claims, damages or expenses that may arise by reason of the issuance of the 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 proposed encroachments; and further

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed 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; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and "the Petitioner" acquires no implied or other privileges hereunder expressly stated herein; 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 Bates, K. Cockrel, Jr., S. Cockrel, Everett, McPhail, Tinsley-Talabi, and President Mahaffey — 7.

Nays — None.

**Department of Public Works
City Engineering Division**

February 20, 2003

Honorable City Council:

Re: Petition No. 2118 — Star of Zion Missionary Baptist Church, request-

ing for conversion of alleys to easement in the area of West Grand Boulevard, Ferry Park, Stanton and Sixteenth.

Petition No. 2118 of "Star of Zion Missionary Baptist Church", request conversion of the East-West and North-South public alleys, 20 and 16 feet wide, in the block bounded by West Grand Boulevard, 150 feet wide, Ferry Park Avenue, 60 feet wide, Stanton Avenue, 60 feet wide, and Sixteenth Street, 60 feet wide into a private easement for 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 plans to discontinue use of the paved alley entrances (into Sixteenth Street and Stanton 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 private easements for utilities. Provisions protecting utility installations 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 East-West public alley, 16 feet wide, lying Northerly of and abutting the North line of lots 21 through 31, both inclusive, and lying Southerly of and abutting the South line of lots 34 and 32, also all that part of the North-South public alley, 20 feet wide, lying Easterly of and abutting the East line of lots 34 and 35, and lying Westerly of and abutting the West line of lots 32 and 33 all in the "Herbert L. Baker's Subdivision of Lot 2 of the James Moessmore, Estate, Fractional Section 1, T2S. R11E, and Fractional Section 36, T1S. R11E, Except the Southerly 210.64 feet, City of Detroit, Wayne County Michigan" as recorded in Liber 10 Page 2, Plats, Wayne County Records;

Be and the same is hereby vacated as public alleys and is hereby converted into private easements for public utilities of the full width of the alleys, which easements 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 alleys and by their heirs, executors, administrators and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public alleys herein above described for the pur-

poses 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 the public alleys in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth,

Second, Said utility easements or rights-of-way in and over said vacated alleys 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 easements or rights-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 easements 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 easements, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

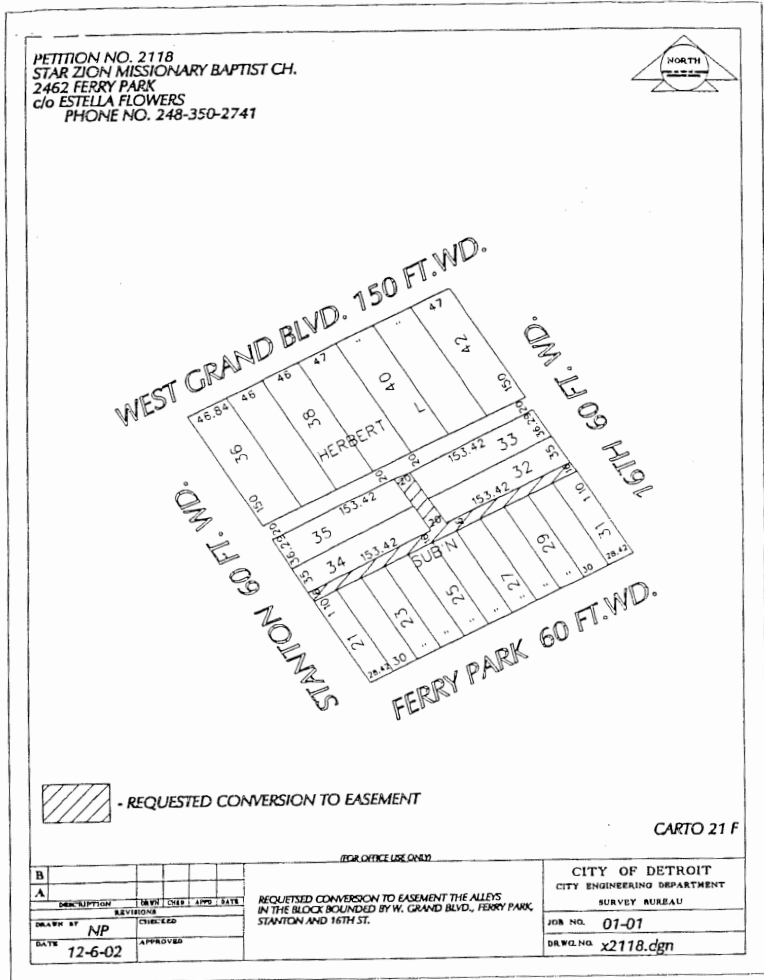
Fourth, That if the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 entrances (into Sixteenth Street and Stanton 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 heir or assigns; and be it further Provided, That the City Clerk shall with-

in 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, Everett, McPhail, Tinsley-Talabi, and President Mahaffey — 7.
Nays — None.

**Department of Public Works
City Engineering Division**

February 20, 2003

Honorable City Council:
Re: Petition No. 241 — Steve Oram, requesting for conversion of alleys to easement in the area of Michigan, Lumley, Elmer and Edsel Ford Expressway.

Petition No. 241 of "Steve Oram", request conversion of the East-West and

North-South public alleys, 18 and 20 feet wide, with a portion being deeded to City of Detroit on June 21, 1921 all in the block bounded by Edsel Ford Expressway, Michigan Avenue, 113 feet wide, Elmer Avenue, 50 feet wide and (vacated) Lumley Avenue, 50 feet wide into private easements for 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 plans to discontinue use of the paved alley entrances (into Elmer Avenue), the petitioner shall pay all incidental removal cost.