

purpose of all public utilities now situated or which may hereafter be installed or placed in such vacated alleys, with the right of ingress and egress thereto for the purpose of installation, construction, operation and maintenance of such utilities.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Kelley, Rogell, and President Levin — 6.

Nays — None.

**Environmental Protection and
Maintenance Department**

November 15, 1976

Honorable City Council:

Re: Cancellation of assessment for cost of cleaning private lots.

The Environmental Protection and Maintenance Department recommends cancellation of the following item from the Assessment Rolls:

Roll No. 167 WL; Lot No. 1165; Location, E. Goddard; Ward 13; Item No. 24570; Dept. No. 7864; Amt. of Assessment, \$75.46.

After the assessments were placed on the property the Environmental and Commercial Division discovered that the work was not done on the property.

We, therefore, recommend that the above assessment be cancelled.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Cleveland:

Resolved, That the City Treasurer be and he is hereby ordered to cancel the assessments for the cost of lot cleaning on the property listed in connection with the foregoing communication because the work was not done on the property.

Approved as to form:

KERMIT G. BAILER

Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Kelley, Rogell, and President Levin — 6.

Nays — None.

**Environmental Protection and
Maintenance Department**

November 17, 1976

Honorable City Council:

Re: Petition No. 2910, Fruehauf Corporation, Conversion to Easement of a portion of the alleys east of Lemay and south of Harper.

The above petition requests the conversion of a portion of the 18 foot wide alleys east of Lemay, south of Harper, into an easement for public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department with the recommendation that sufficient land be dedicated for a new alley outlet into Lemay. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

EPMD — Intersection Fund, Receipt No. B 16030. For the original cost of paving Lemay Avenue at the intersection of the alley to be vacated, \$224.00.

The petitioner has also requested that the paved return at the entrance to the alley to be vacated remain in its present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental so the removal of same whenever the discontinuance of use makes such removal necessary.

A Quit Claim Deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley outlet into Lemay Avenue. This deed was approved as to form and execution by the Law Department and as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of the public right of ways into easements provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The Adoption of the attached resolution is recommended.

Respectfully submitted,

JAMES W. WATTS,

Director

By Council Member Cleveland:

Resolved, That all that part of the east-west public alley, 18 feet wide, easterly of Lemay Avenue and southerly of Harper Avenue, abutting the rear line of Lots 433 to 438 of "Warren Park No." of part of Lots 23, 24, and all of lot 25 of the Subdivision of Private Claim 724 lying north of Shoemaker Avenue, Village of St. Clair Heights, Wayne County, Michigan, as recorded in Liber 37, Page 51, Plats, Wayne County records; also

All that part of the north-south public alley, 18 feet wide, abutting the rear line of Lots 431 and 432 and the northerly nine feet of Lot 430 all inclusive of the above named subdivision,

Both of the above described alleys having been platted entirely in the mentioned subdivision,

Be and the same are hereby vacated as public alleys and are hereby converted into a public easement of the full width of the alleys, 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 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 an easement or right of way over said vacated public alleys hereinabove 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 public alleys 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 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) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Environmental Protection and Maintenance Department,

THIRD, that if at any time in the future 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, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Provided Further, that if any utility located or to be located in said property shall break or be damaged as a result of any action on the part of the petitioner or assigns (by way of illustration but not limitation), such as storage of excessive weights of materials or construction not in accordance with Section 2, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility.

Resolved, That the Finance Director is hereby authorized and directed to issue to Fruehauf Corporation a Quit Claim Deed for the above described property and the Law Department is directed to prepare the deed; and be it further

Resolved, That the Quit Claim Deed for Fruehauf Corporation deeding land to the City of Detroit for alley purposes being described as:

The North 18 feet of South 21 feet of Lot No. 430 of the Warren Park No. 1 Subdivision, part of Lots 23, 24 and all of Lot 25 of the Subdivision of Private Claim 724 lying north of Shoemaker Avenue, Village of St. Clair Heights (now Detroit) Wayne County, Michigan, as recorded in Liber 37, Page 51, Plats, Wayne County Records;

Be and the same is hereby accepted, and the Finance Director is hereby directed to record said deed in

the office of the Register of Deeds for Wayne County, and further

Resolved, That the removal of the paved alley return when necessary shall be done by private contract under City permit and inspection and according to Environmental Protection and Maintenance Department specifications with the entire cost borne by the petitioner or his assigns; and further

Resolved, That the construction in concrete of the newly dedicated alley return and the grading and stoning of the newly dedicated alley be done by private contract under City permit and inspection and according to Environmental Protection and Maintenance Department specifications with the entire cost borne by the petitioner, and further

Resolved, That the City Clerk is hereby authorized and directed to send a copy of this resolution to the Detroit Edison Company, the Michigan Bell Telephone Company and the Michigan Consolidated Gas Company.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Kelley, Rogell, and President Levin — 6.

Nays — None.

Environmental Protection and Maintenance Department

November 17, 1976

Honorable City Council:

Re: Michigan Department of State Highways and Transportation Vacation of the public utility easement north of Fort Street and west of the Fisher Freeway.

The above petition requests the vacation of the public utility easement created in the vacated east-west public alley in the block bounded by Lawndale, the Fisher Freeway Service Drive, Fort Street, and Fulton Avenue by resolution adopted by your Honorable Body on April 10, 1973 (J.C.C. Pages 944-945). The petition was referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

All City departments and privately-owned utility companies reported that they will be unaffected by the vacation or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

JAMES W. WATTS,

Director

By Council Member Cleveland:

RESOLVED, That all that part of the public utility easement created in the vacated east-west public alley, 18 feet wide, in the block bounded by Lawndale, the Fisher Freeway Service Drive, Fort Street, and Fulton Avenues by resolution adopted on April 10, 1973 (J.C.C. pages 944-945) said easement being in "Moore's Subdivision" of lots 4, 5, and 6 of the sub-