

herein shall be construed as acceptance of this resolution by the permittee; and

Provided, That a certified copy of this resolution shall be recorded with the Office of the Register of Deeds for Wayne County by and at permittee's expense.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Peoples, Ravitz and President Henderson — 8.

Nays — None.

### City Engineering Department

December 5, 1985

Honorable City Council:

Re: Petition No. 4118, Corver Engineering, Requested outright vacation and conversion to easement of portions of the east-west alley in the block bounded by Traverse, Grinnell, Raymond and McClellan.

The above petition requests the vacation and conversion to easement of portions of the east-public alley, 16 feet wide, in the block bounded by Traverse, Grinnell, Raymond and McClellan Avenues.

The requested outright vacation and conversion to easement was approved by the Community and Economic Development Department with the recommendation that sufficient land be dedicated for a new alley outlet into Traverse. The petition was then forwarded to us for investigation and report. Our report is as follows:

A deed has been received from the petitioner, deeding to the City the necessary property. This deed was approved as to form and execution by the Law Department and as to description by the City Engineering Department.

By filed letter the petitioner has agreed to construct the new concrete alley approach and grade and stone the new alley by private contract. The City Engineering Department has no objection to this request, provided the new alley construction is done in accordance with City permits, specifications and inspection with all costs borne by the petitioner or his assigns.

All other involved City departments and privately-owned utility companies reported they have no objection to the proposed vacation and conversion to easement or they have reached satisfactory agreements with the petitioner regarding their installations therein.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
 CLYDE R. HOPKINS  
 Director

By Council Member Ravitz:

Resolved, That all that part of the east-west public alley, 16 feet wide, in the block bounded by Traverse, Grinnell, Raymond and McClellan Avenues lying southerly of and abutting the south line of Lots 103 to 108, also lying northerly of and abutting the north line of Lots 221 to 226 all inclusive of Fairmount Park Subdivision of a part of Fractional Sections 22 and 23, known as Private Claim 12, Hamtramck and Grosse Pointe, City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 99, Plats, Wayne County Records,

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property; and further

Resolved, That all that part of the east-west public alley, 16 feet wide, in the block bounded by Traverse, Grinnell, Raymond and McClellan Avenues lying southerly of and abutting the south line of Lots 91 to 102, also lying northerly of and abutting the north line of Lots 227 to 238 all inclusive of Fairmount Park Subdivision of a part of Fractional Sections 22 and 23, known as Private Claim 12, Hamtramck and Grosse Pointe, City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 99, Plats, Wayne County Records,

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement 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, re-

moving, 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 easements 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) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the City Engineering Department.

Fourth, that if the owners of any lots abutting on said vacated alley shall request the removal and/or relocations of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located 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 3, 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; and be it further

Resolved, That the Warranty Deed of Corver Engineering Clinton Corporation, a Michigan Corporation, deeding land to the City of Detroit for the new alley outlet into Traverse Avenue, being described as:

Land in the City of Detroit, Wayne County, Michigan, being a part of Lot 220 of Fairmount Park Subdivision of a part of Fractional Sections 22 and 23, known as Private Claim 12, Hamtramck and Grosse Pointe, City of Detroit, Wayne County, Michigan as recorded in Liber 16, Page 99, Plats, Wayne County Records, more particularly described as follows:

Beginning at a point in the south line of said Lot 220 measured N. 87 degrees 16 minutes E., 5.00 feet from the southwest corner of Lot 220 (said point also being on the north line of Traverse Avenue, 60 feet wide); thence N. 02 degrees 44 minutes W. and parallel to the west line of Lot 220, 110.00 feet; thence N. 47 degrees 44 minutes W., 7.07 feet to the northwest corner of Lot 220 (said point also being on the south line of a public alley, 16 feet wide); thence N. 87 degrees 16 minutes E. along the south line of the public alley, 25.00 feet; thence S. 02 degrees 44 minutes E., 115.00 feet to the north line of Traverse Avenue; thence S. 87 degrees 16 minutes W., 20.00 feet to the point of beginning, containing 2,312.5 square feet, more or less,

Be and the same is hereby accepted, and the Law Department is hereby directed to record said deed in the office of the Register of Deeds for Wayne County; and further

Provided, That the petitioner shall construct a new concrete alley approach at the entrance of said alley; also grading and stoning of the new alley shall be by private contract, according to City permits, specifications and inspection with all costs borne by the petitioner or his assigns.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Peoples, Ravitz and President Henderson — 8.

Nays — None.

#### City Engineering Department

December 6, 1985

Honorable City Council:

Re: Petition No. 4357, Conrail (for J.I.T. Distribution Center, Inc.), Request to install and maintain a single spur track grade crossing over John Kronk Highway, west of Cabot.

Returning herewith Petition No. 4357 of Conrail (for J.I.T. Distribution Center, Inc.) requesting permission to install and maintain a single spur track grade crossing over John Kronk Highway, west of Cabot Avenue.

The City Engineering Department has examined and approved the plans submitted for the proposed installation. This department will require the new spur track installation be done in accordance with City permits, specifications and inspection (Detroit Code Section 45 — Article 2 — "Side Tracks or Spur Tracks") with all costs borne by the petitioner or his assigns.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
 CLYDE R. HOPKINS  
 Director