

Adopted as follows:
 Yeas — Council Members Cleveland,
 Collins, Eberhard, Kelley, Mahaffey,
 Peoples, Ravitz, and President Pro Tem.
 Hood — 8.
 Nays — None.

City Engineering Department
 February 4, 1987

Honorable City Council:

Re: Petition No. 3800. Detroit Tube Products Conversion to easement of portions of north-south and east-west alleys; also dedication of new alley outlet in the block bounded by Campbell, Junction, Harvey and Driggs.

Petition No. 3800 of Detroit Tube Products requests the conversion of portions of the north-south and east-west public alleys, 20 feet wide, in the block bounded by Campbell, Junction, Harvey and Driggs Avenues into an easement for public utilities.

The requested conversion to easement was approved by the Community and Economic Development Department with the recommendation that land be dedicated for a new alley outlet into Driggs. The petition was referred to the City Engineering Department for investigation and report. This is our report:

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

The petitioner has deposited with the City Treasurer the following city department reimbursement cost:

Department of Public Works — Street Maintenance: \$1,137.50, Receipt No. A-19354. The estimated cost to stone, grade and construct concrete return for the new alley outlet into Driggs.

City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,
 CLYDE R. HOPKINS,
 Director

By Council Member Eberhard:

Resolved, That all that part of the north-south public alley, 20 feet wide, in the block bounded by Campbell, Junction, Harvey and Driggs Avenues lying easterly of and abutting the east line of Lot 16, also lying westerly of and abutting the west line of the south 5.00 feet of Lot 11 and Lots 12 to 15, Block 19, of "Plat of Reeder, Jerome and Duffield's Subdivision" of the East 354

feet of Private Claim No. 39, Town 2 South, Range 11 East, Springwells Township, City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 29, Plats, Wayne County Records; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Campbell, Junction, Harvey and Driggs Avenues lying northerly of and abutting the north line of Lots 16, 17 and the above mentioned north-south public alley, 20 feet wide, also lying southerly of and abutting the south line of Lots 5, 6 and the previously vacated (June 8, 1971 — J.C.C. pages 1330-31) north-south alley, 20 feet wide, all inclusive, of the above mentioned Block 19, "Plat of Reeder, Jerome and Duffield's 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 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 alleys 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 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 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 relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocations, 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 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

Provided Further, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs; and be it further

Resolved, That the warranty deed of Henry E. Bellaimey and Mary Ellen Bellaimey, husband and wife, deeding land to the City of Detroit for a new alley outlet into Driggs Avenue, being described as:

Land in the City of Detroit, Wayne County, Michigan, being the west 20.00 feet of Lot 4, Block 19, of the "Plat of Reeder, Jerome and Duffeld's Subdivision" of the East 354 feet of Private Claim No. 39, Town 2 South, Range 11 East, Springwells Township, City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 29, Plats, Wayne County Records, containing 2,500 square feet,

Be and the same is hereby accepted, and the Law Department is directed to record the deed with the Wayne County Register of Deeds; and be it further

Resolved, The Department of Public Works — Street Maintenance Division is hereby directed to construct a new concrete alley approach at the entrance of said alley; also to stone and grade the new alley according to the City specifications and inspection.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Kelley, Mahaffey, Peo-

ples, Ravitz, and President Pro Tem. Hood — 8.
Nays — None.

City Engineering Department

February 11, 1987

Honorable City Council:

Re: Petition No. 4507, B. F. and M. Weed Cutting and Snow Removal Company, Conversion to easement of Cortland, west of Cloverdale to the Railroad.

Petition No. 4507 of B. F. and M. Weed Cutting and Snow Removal Company requests the conversion of Cortland Avenue, 50 feet wide, west of Cloverdale Avenue to the Railroad into an easement for public utilities.

The requested conversion into an easement for public utilities was approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The petitioner has deposited with the City Treasurer the following city department reimbursement cost:

City Engineering Department — Intersection Fund: \$647.00 Receipt No. B-21161. For the original cost of paving the west one-half of Cloverdale at the intersection of Cortland.

The petitioner plans to use the paved street return entrance and requests such remain in its present status. The petition has submitted a letter agreeing to pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Mahaffey:

Resolved, That Cortland Avenue, 50 feet wide, west of Cloverdale Avenue to the Railroad right-of-way lying southerly of and abutting the south lines of the vacated north-south public alley, 15 feet wide, and Lot 73, also lying northerly of and abutting the north lines of the vacated north-south public alley, 15 feet wide, and Lot 72 as platted in "Grand River Park Subdivision" of part of Sections 28 and 33, Town 1 South, Range 11 East, Greenfield Township, City of Detroit, Wayne County, Michigan as recorded in Liber 32, Page 77, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted