

the same is hereby approved.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Rogell, Van Antwerp and President Carey—5.

Nays—None.

**Department of Public Works**

May 6, 1968

Honorable Common Council:

Re: Petition No. 5825—Hausman

Corporation; Conversion to Easement of Alley North of Toledo between Hubbard and Vinewood.

Gentlemen—The above petition requests the conversion of the north-south public alley, 20 feet wide, north of Toledo between Hubbard and Vinewood into an easement for public utilities. The requested conversion into easement for public utilities was approved by the City Plan Commission. 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: Public Lighting Commission Fund 990-9423; Receipt No. B-35672; \$120.00 for the estimated cost of removing the six-foot mast arm, coil, and spans of No. 3 wire in the alley.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public right-of-way to be vacated. All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of public right-of-way into easement 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,

**ROBERT E. TOOHEY**  
Commissioner

By Councilman Hood:

Resolved, that all that part of the north-south public alley, 20 feet wide, lying north of Toledo Avenue and east of Hubbard Avenue, as platted in Daniel Scotten's Subdivision of all that part of Bela Hubbards Subdivision of Private Claim No. 77, Knagg or Hubbard Farm, so called, lying between the Dix Road, so called, and the Michigan Central Railroad and between Vinewood and Indian Avenues, also all that part of Bela Hubbards Subdivision of Private Claim No. 77 lying west of Indian Avenue and between Michigan Central Railroad and Lot No. 56 of Bela Hubbards Subdivision of Private Claim No. 77, Town of Springwells,

Wayne County, Michigan, as recorded in Liber 1, Page 196, Plats, Wayne County Records, lying easterly of and adjoining the easterly line of Lots 26 and 28 and lying westerly of and adjoining the westerly line of Lots 25 and 27 of the above-mentioned subdivision;

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 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 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 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 Department of Public Works.

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.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Rogell, Van Antwerp and President Carey—5.

Nays—None.