

rected to transfer funds and honor payrolls and vouchers in accordance with the foregoing communication and this resolution.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Department of Public Works

March 6, 1969.

Honorable Common Council:

Re: Petition No. 7716. H. Giese and Company. Alley bounded by Abington Avenue, Vacated Grandmont Road, The Chesapeake and Ohio Railroad and Joy Road Conversion to Easement.

Gentlemen—The above petition requests the conversion of the east-west and north-south public alleys 10 and 18 feet wide in the block bounded by Abington Avenue, Vacated Grandmont Road, the Chesapeake and Ohio Railroad, and Joy Road 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:

All City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said alleys, or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

ROBERT P. ROSELLE,
Commissioner.

By Councilman Ravitz:

Resolved, That all that part of the north-south public alley, 18 feet wide, in the block bounded by Abington Avenue, vacated Grandmont Road, Joy Road, and the Chesapeake and Ohio Railroad right-of-way, as platted in Maday Minors Estate Subdivision of part of the east one-half of the southwest one-quarter of Section 36, T.1.S., R.10.E., Redford Township, Wayne County, Michigan, as recorded in Liber 53, Page 75, Plats, Wayne County records, lying southerly of and abutting the southerly line of the Chesapeake and Ohio Railroad Right-of-Way; lying westerly of and abutting the westerly line of Lots 126 to 131; lying easterly of and abutting the easterly line of Lots 148 to 157; all inclusive of the above mentioned subdivision; also

All that part of the east-west public alley, 10 feet wide, easterly of Abington Avenue, lying southerly of and abutting the southerly line of the Chesapeake and Ohio Railroad Right-

of-Way, lying northerly of and abutting the northerly line of Lots 147 and 148; lying westerly of and abutting the westerly line of the north-south public alley 18 feet wide, abutting Lot 148, all inclusive of the above mentioned subdivision;

Be and the same are hereby vacated as public alleys and are hereby converted into public easements 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 hereinabove described for the purpose 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 easements 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 easements, 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 alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners, upon whose property the poles or other utilities are located shall pay all costs incident 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, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.