

Department of Public Works  
October 1, 1969

Honorable Common Council:

Re: Petition No. 8041, Ceilia Doherty, et al, 2521 Trumbull. Alley first east of Trumbull, between Cherry and the Fisher Freeway. Conversion to Easement.

Gentlemen — The above petition requests the conversion of the north-south public alley, 18 feet wide, first east of Trumbull between Cherry Street and the Fisher Freeway into an easement for public utilities.

The requested conversion into easement for public utilities was recommended 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:

DPW Intersection Fund 143-6241, Receipt No. C 14945, \$90.00. For the original cost of paving the north half of Cherry Street at the intersection of the alley to be vacated.

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

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-way into an 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 P. ROSELLE  
Commissioner

By Councilman Hood:

Resolved, That all that part of the north-south public alley, 18 feet wide, first easterly of Trumbull Avenue, between Cherry Street and the southerly line of the Fisher Freeway Right-of-Way lying easterly of and abutting the easterly line of lots 7 to 9, lying westerly of and abutting the westerly line of lot 6 and the remainder of the east-west alley not taken for the Fisher Freeway abutting the north line of said lot 6, all inclusive of the Subdivision of the south half of, Outlot 90, Woodbridge Farm, Detroit, Wayne County, Michigan as recorded in Liber 1, Page 164, 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 ally, 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 in 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 Hood, Ravitz, Tindal, Van Antwerp, Wierzbicki and President Pro Tem Miriani—6.

Nays—None.

Department of Public Works  
October 3, 1969

Honorable Common Council:

Gentlemen—On August 14, 1968, J.C.C. Page 2000-01, Petition No. 7034, your Honorable Body approved the request of the Chrysler Corporation to place a steel barrier twenty (20) inches behind the curb, for a distance