

County records, said portions being in Private Claim 125; also as platted in Welch and O'Brien's Oakwood Park Subdivision of part of Private Claims 61 and 118, Village of Oakwood, Ecorse Township, Wayne County, Michigan, as recorded in Liber 32, Page 88, Plats, Wayne County records, abutting the easterly line of lots 6 to 21 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 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 Browne, Eberhard, Hood, Levin, Rogell, and President Ravitz — 6.

Nays — None.

Department of Public Works

November 26, 1971

Honorable Common Council:

Re: Petition Nos. 2991 and 1662; Southfield School, Seventh Day Adventists; Alley bounded by Southfield, Archdale, Fenkell and Keeler; Conversion to Easement.

Gentlemen — The above petitions request the conversion of a portion of the north-south public alley, 10 and 20 feet wide, in the above mentioned block into an easement for public utilities.

The requested conversion into easement for public utilities was recommended by the City Plan Commission. The petitions were then referred to us for investigation and report. Our report, accompanied by the original petitions is as follows:

The petitioner has also requested that the paved return at the entrance to the alley from Keeler Avenue remain in its 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 City Departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said alley or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

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

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner

By Councilman Eberhard:

Resolved, That all that part of the north-south public alley, 10 and 20 feet wide, in the block bounded by Southfield, Archdale, Fenkell, and Keeler Avenues, as platted in the Miller Super Subdivision of Lots 87, 88, 89, 91, 93 and 95 to 101 inclusive of J. P. Miller Subdivision of part of Sections 13 and 24, T.1.S., R.10, E., City of Detroit, Wayne County, Michigan, as recorded in Liber 56, Page 58, Plats, abutting the easterly line of Lots 24 to 40 and abutting the westerly line of Lots 62 to 65 all inclusive 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 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 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, and be it further

Resolved, That if at any time in the future it becomes necessary to remove the paved alley return at the intersection with Keeler Avenue, such removal and construction of new curb and sidewalk shall be done under City permit and inspection, according to Department of Public Works specification and the entire cost shall be borne by the petitioner, his heirs or assigns.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, and President Ravitz — 6.

Nays — None.

Department of Public Works

November 5, 1971.

Honorable Common Council:

Re: TOPICS Project T-4000 (17)
Hamilton Widening: Chicago to
Webb Preliminary Engineering
Agreement No. 71-1217.

Gentlemen — On October 7, 1969, (J.C.C. Page 2519) your Honorable Body authorized the Department of Streets and Traffic to enter into a contract with the Michigan State Highway Commission for the study and development of a comprehensive Traffic Operations Program to Increase Capacity and Safety (TOPICS) in the City of Detroit. This Federal Aid Program is designed to encourage the establishment of a continuing program of improvements in urban areas to reduce traffic congestion and facilitate the safe and efficient flow of traffic. The program provides for the construction of interim projects prior to the completion of the Detroit TOPICS plan provided that plan is expected to be completed within 18 months, and if the individual projects can meet the criteria established by Federal regulations.

We are, therefore, presenting for your consideration, a proposed agreement between the Michigan State Highway Commission and the City of Detroit which provides for Federal participation and the cost of preliminary engineering for the proposed widening of Hamilton between Chicago and Webb. The estimated cost of this engineering is \$60,000. Therefore, the City will be reimbursed fifty (50) percent of this cost or an estimated \$30,000 in Federal Aid TOPICS Funds.

It is proposed to do this widening within the existing right-of-way of Hamilton Avenue. Therefore, no property will have to be acquired. The widening is necessitated by the recent conversion of Second and Third Avenues in Highland Park to a local type of traffic operation. Because of this, Hamilton Avenue will play a much more important role in carrying traffic through this north-south corridor.

A separate agreement providing for Federal participation and the cost of the construction will be submitted to your Honorable Body, for your consideration, after a public hearing has been held to hear testimony of interested citizens and organizations regarding the economic, social, and environmental impact of this proposed project on the area and communities involved.

This agreement has been reviewed and approved as to form by the Corporation Counsel's Office.

Because of the importance of proceeding with the above-described improvement on Hamilton Avenue, your adoption of the following resolution approving this agreement and