

Department of Public Works

August 16, 1972

Honorable Common Council:

Re: Petition No. 4665, Jane F. Reschke, etal, 9312 Rosemont, Conversion to Easement of the north-south alley in the block bounded by Rosemont, Ashton, Westfield, and Fitzpatrick Avenues.

Gentlemen - The above petition requests the conversion of the above described alley 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:

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, 18 feet wide, in the block bounded by Rosemont, Ashton, Westfield, and Fitzpatrick Avenues, lying between the rear line of lots 202 to 211 and 212 to 216 inclusive of the Franklin Park Subdivision of the northeast 1/4 of the Southeast 1/4 of Section 35, T.1.S., R.10.E., City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 74, 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 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, administrator 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, Levin, Rogell, Van Antwerp, Wierzbicki, and President Ravitz - 7.
Nays - None.

Department of Public Works

August 14, 1972

Highway Planning

Honorable Common Council:

Re: Topics Project T-4000 (1).

Areawide Plan, Agreement 72-0566.

Gentlemen—On July 28, 1972 (J.C.C. p. 1852), your Honorable Body, approved Agreement 72-0566 between the City of Detroit and the Michigan State Highway Commission which amends Agreement 69-1290 for the completion of an areawide TOPICS plan for Detroit. This amendment allowed for an increase in the cost of the study to \$155,000 and extended the deadline for completion.

A provision of the agreement requires that your Honorable Body authorize someone to execute the agreement which the above cited resolution does not do. We, therefore, are presenting, for your consideration, the attached resolution which authorizes execution of this agreement by the Director of Streets and Traffic and the Street Administrator.

Respectfully submitted,
ALGER F. MALO,
Director