

necessary the En- id Main- se of said ade under t the City d the De- n in ac- roved by he Com- velopment permission ime it is partment her, that shall not ts of the or street s as may re; and struction and parking waive the ng Ord- parking; plution is or caprice permittee right to ation for and fur- s no im- ereunder and permits ansferred the City uring of d to he- ceptance n by the led copy led with Deeds for rmittee's s in the r public alved by nted ex- said en- tions in be re- the per- directed hat the hall be ctory to rmittee leveland, ahaffey, - 7. ent 9, 1975 ley Ko-

pecko, etal. Conversion to Easement of the north-south alley south of Scripps Avenue between Newport and Lakewood.

The above petition requests the conversion of the above described alley, 9 feet wide, into an easement for public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. 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 and that they have reached satisfactory agreements with the petitioner regarding their installations therein. The adoption of the attached resolution is recommended.

Respectfully submitted,
HERMAN T. DUDLEY
Director

Approved:
JAMES WATTS
Director
Environmental Protection & Maintenance Dept.

By Council Member Cleveland:
RESOLVED, That all that part of the north-south public alley, 9 feet wide, south of Scripps Avenue, between Newport and Lakewood Avenues, abutting the rear line of lots 172 to 176, and having been platted entirely in Hendrie's Riverside Park Subdivision No. 1, of part of lots 6 and 7, according to the plat thereof made by George Martin for the heirs of John Martin, deceased, of the Front and Rear Concession of Private Claim 219 lying south of Private Claim 128 as recorded in Liber 2, Page 26, Plats, City of Detroit, Wayne County, Michigan, as recorded in Liber 49, Page 35, 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, 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 City Engineering Department.

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 — Council Members Cleveland, Eberhard, Hood, Kelley, Mahaffey, Rogell, and President Levin — 7.
Nays — None.

City Engineering Department
August 15, 1975

Honorable City Council:
Re: Petition No. 1378, Good Humor Corporation Conversion to Easement of Braden Avenue North of Wagner of Wagner Avenue.

The above petition requests the conversion of Braden Avenue, north of Wagner Avenue, into an easement for public utilities. The requested conversion into easement for public utilities was approved by the Community & Economic Development Department. 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:

Environmental Protection & Maintenance Dept.—\$460.00

For the original cost of paving Wagner Avenue at the intersection of Braden to be vacated.

The petitioner has also requested that the paved return at the entrance to Braden Avenue remain in its present status as the petitioner plans to utilize same, and had 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 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,
HERMAN T. DUDLEY,
Director

Approved:
JAMES WATTS
Director
Environmental Protection & Maintenance Dept.

By Council Member Cleveland:
RESOLVED, That all that part of Braden Avenue north of Wagner Avenue, not previously vacated, 50 and 25 feet wide, and the turnaround at the north end of Braden Avenue, which was opened on August 13, 1957 (J.C.C. Pages 1759 and 1760), also a portion, 25 feet wide, opened on September 11, 1928, all of which appear in the following subdivisions:

"Plat of the Edward Martin Estate" in Private Claim 719 as recorded in Liber 451, pages 566 and 567, Deeds, Wayne County records; also

"Stephen Pratt Subdivision of Lot 2" of Plat of Edward Martin Estate on Private Claim 719 and parts of Lots 5 and 7 of the Estate of William Larkins, being the center part of Private Claim 719, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 81, Plats, Wayne County records;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 street 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 street 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 street 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 City Engineering Department,

THIRD, that if at any time in the future the owners of any lots abutting on said vacated street 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 it becomes necessary in the future to remove the paved street return, such removal and construction of new curb and sidewalk shall be done at the expense of the petitioner, his assigns, heirs or administrators.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hood, Kelley, Mahaffey, Rogell, and President Levin — 7.
Nays — None.

City Engineering Department

August 18, 1975

Honorable City Council:

Re: Petition No. 1136; Don Woosley, et al; Requesting the Temporarily Closing the Easterly Portion of the east-west alley south of Schoolcraft between Southfield and Archdale

We are returning herewith Petition 1136 of Don Woosley, et al, requesting the temporary closing of the above described alley.

The temporary closing was recommended by the Community and Economic Development Department.

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 utilities have reported that they have no objections to the proposed closing as long as the resolution grants them right of ingress and egress to their facilities.

An appropriate resolution containing all of the necessary provisions including those recommended by the Community and Economic Develop-

ment Department is attached for consideration by your Honorable Body.

Respectfully submitted,
HERMAN T. DUDLEY,
Director

Approved:

JAMES WATTS,
Director
Environmental Protection
& Maintenance Dept.

By Council Member Cleveland:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permit to Don Woosley, et al, to close the portion of east-west public alley, 20 feet wide, south of Schoolcraft between Southfield and Archdale, which abuts the rear line of lots 1660 to 1665 and the easterly 3 feet of lot 1659 and abuts the northerly line of lot 1666 all inclusive of the Grandmont Subdivision No. 2 as recorded in Liber 51, Page 25, Plats, WCR, on a temporary basis for a period not to exceed three years, and to expire on September 3, 1978;

PROVIDED, That petitioner shall be subject to any tax which may be levied against him pursuant to law with regard to such use of public property, and further

PROVIDED, Petitioner furnishes an Agreement, in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the Finance Department, and further

PROVIDED, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds by and at the permittee's expense, and further

PROVIDED, That no building or other structure is constructed in said alley; that petitioner shall observe the rules of the City Engineering Department, and further subject to the following provisions:

The City of Detroit retains all rights and interests in the area herein temporarily closed;

The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed alley;

PROVIDED, That at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the City Engineering Department, by and at the permittee's expense, and further

PROVIDED, This resolution is revocable at the will, whim, or caprice of the City Council, and further, that grantee acquires no implied or other