

velopment Department and Recreation Department concur with Environmental Protection and Maintenance Department and recommend this request be granted, provided the petitioner files with the Finance Department, an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims which may arise, and further

Provided, that a certified copy of the resolution be filed with the Wayne County Register of Deeds and further

Provided, that a permit be obtained from the Environmental Protection and Maintenance Department.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Eberhard:

RESOLVED, That permission be granted to Joseph Maday, leasee, and Jay Ross, owner, to place four barrel planters at 525 West Lafayette, provided petitioner file an approved indemnity agreement, record a certified copy of resolution with Wayne County Register of Deeds, and that permit be obtained from the Environmental Protection and Maintenance Department.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

Environmental Protection & Maintenance Department

August 26, 1977

Honorable City Council:

Re: Petition No. 3670

Joseph B. Comfort

Vacation of the westerly 10 feet of Hayes between Wade and the alley south of Wade

The above petition requests the vacation of the portion of Hayes as described above. The requested vacation 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: An easement is reserved in the vacating resolution for the Water and Sewerage Department for the maintenance of its installations located in the public right of way to be vacated.

All other involved City Departments and privately-owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfaction agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Eberhard:

RESOLVED, That all that part of the westerly 10 feet of Hayes Avenue, 96 feet wide, between Wade Avenue and the northerly line of the 18 feet wide east-west public alley south of Wade Avenue, abutting the easterly line of lots 698 to 701 inclusive of the Park Drive Subdivision No. 1 of part of Fractional Section 13, T.1S, R.12E., City of Detroit and Township of Gratiot, Wayne County, Michigan, as recorded in Liber 51, Page 47, Plats, Wayne County Records.

Be and the same is hereby vacated as a public street to become a part and parcel of the abutting property, subject to the following easement provisions:

1. An easement, over the easterly five feet of the westerly 10 feet of the Hayes Avenue Right-of-Way between Wade and the alley south is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing or replacing any water mains, fire hydrants and appurtenances, with the right of ingress or egress at any time to, and over said easement for the purpose above set forth.

Free and easy access to the water mains, fire hydrants and appurtenances within the easement, is required for Detroit Water and Sewerage Department equipment including the use of backhoes, bull dozers, cranes or pipe trucks and other heavy construction equipment as necessary for alteration or repairs of the main and facilities.

The Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide posts over its water mains at reasonable intervals and at points of deflection.

2. Said owners of the adjoining property for their heirs and assigns agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, et cetera shall be built upon or over said easements or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department.

3. 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 the aforementioned utilities in said ease-

ment, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event the owner or assigns shall be liable for all costs incident to the repair of such broken or damaged mains and shall also be liable for all claims for damages resulting from his action, and further

RESOLVED, That the City Clerk is hereby directed to send a copy of this resolution to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

**Environmental Protection &
Maintenance Department
City Engineering Division**

August 26, 1977

Honorable City Council:

Re: Petition 4119 ITT - Continental Baking Company, Inc. Conversion to Easement of a portion of the east-west alley west of Rosa Parks Boulevard and between Kendall and Oakman.

The above petition requests the conversion of the above described portion of alley 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:

The petitioner has also requested that the paved return at the entrance to the alley from Rosa Parks Boulevard 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 other involved City Departments and privately-owned utility companies reported that they have no objections to the conversions of a 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,
JAMES W. WATTS
Director

By Council Member Eberhard:

Resolved, That all that part of the east-west public alley, 18 feet wide, westerly of Rosa Parks Boulevard (formerly 12th Street), between Kendall and Oakman Boulevard abutting the northerly line of lot 957 and the southerly line of lots 703 to 707, all inclusive of Robert Oakman's Twelfth Street Subdivision of part of ¼ Section 7, 10,000 Acre Tract, City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 90, 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 of 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 slats 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 Environmental Protection and Maintenance 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