

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 conversion 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,

JAMES W. WATTS,

Director

By Council Member Eberhard:

RESOLVED, That all that part of the north-south public alley, 20 feet wide, north of Joy Road, between Schaefer and Hartwell abutting the westerly line of Lot 7 of "Greenfield Improvement and Sales Company's Greenfield-Monnier Re-Subdivision of Lots 32 and 33 of R. M. Grindley's Subdivision of Little Farms No. 5" of the west 1/2 of the west 1/2 of the southwest 1/4 of Section 32, T.1S., R.11E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 54, 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 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 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 re-

quest 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 entrance to the vacated alley, such removal will be done under City permit and inspection and according to Environmental Protection and Maintenance Department specifications with the entire cost borne by the petitioner, his heirs or his assigns, and further

RESOLVED, That the Finance Director is hereby authorized and directed to issue to the petitioner a Quit Claim Deed, and the Law Department is directed to prepare the deed for the above described property; and be it further

RESOLVED, That the City Clerk is hereby authorized and 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 and Maintenance Department

January 17, 1977

Honorable City Council:

Re: Petition No. 4222 — U. S. Truck Company. Conversion to Easement of the remaining portion of alley and alley turnaround in the block bounded by 24th, 23rd, Ruskin, and the N.Y.C.R.R.

The above petition requests the conversion of the above described alley and alley turnaround, 20 and 40 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:

The petitioner has made the fol-

lowing deposits with the City Treasurer, which have been credited to the departments and accounts named, for the purposes indicated:

Public Lighting Department
Receipt No. C 22147, \$250.00.

For the estimated cost to remove two light fixtures from the alley to be vacated.

EPMD — Intersection Fund
Receipt No. C 22146 \$140.00

For the original cost of paving Ruskin Avenue at the intersection of the alley to be vacated.

The petitioner has also requested that the paved return at the entrance to the alley to be vacated 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 conversion 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,
JAMES W. WATTS,
Director

By Council Member Eberhard:

RESOLVED, That all that part of the north-south public alley, 20 feet wide, in the block bounded by 21th, 23rd, Ruskin, and the N.Y.C.R.R. right of way abutting the rear line of lots 9 to 17 and the southerly 20 feet of lot 18, and lots 47 to 55 and the southerly 20 feet of lot 46 all inclusive of the Subdivision of Outlots 54, 55, and part of 58, Porter Farm, Detroit, Wayne County, Michigan, as recorded in Liber 6, Page 10, Plats, Wayne County records,

Also all that part of the alley turnaround in the same above described block having been platted as the westerly 40 feet of lot 47 and the westerly 40 feet of the southerly 20 feet of lot 46, 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 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 light con- 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 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 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 entrance to the vacated alley, such removal will be done under City permit and inspection, according to Environmental Protection and Maintenance Department specifications with the entire cost borne by the petitioners, their heirs, or assigns.

Adopted as follows:

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

Nays — None.

Environmental Protection and
Maintenance Department
January 13, 1977

Honorable City Council:

Re: Petition No. 3901 — Baranel Enterprises, etal. Vacation of the remaining portion of the east-west alley west of St. Aubin, between Brewster and Wilkins.

The above petition requests the vacation of the above described portion of east-west alley, 20 feet wide. The requested vacation was approved