

ments 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 alleys, 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 alleys 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 easements 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 alleys 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 relocations, 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 the City Clerk is hereby authorized and directed to mail a copy of this resolution to the Detroit Edison Company, the Michigan Consolidated Gas Company, and the Michigan Bell Telephone Company.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 8.

Nays — None.

Environmental Protection and  
Maintenance Department

June 14, 1977

Honorable City Council:

Re: Petition No. 4571, Marathon Oil Company, etal, Conversion to Easement of the east-west alley south of Warren between Ashton and the Southfield Service Drive.

The above petition requests the conversion of the above described alley, 18 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 or that they have reached satisfactory 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 Henderson:

RESOLVED, That all that part of the east-west public alley, 18 feet wide, south of Warren between Ashton and the Southfield Service Drive lying between and abutting the east line of Ashton Avenue, 50 feet wide, and the westerly line of the West Service Drive of the Southfield Freeway and abutting the rear line of lots 33 to 35 and the northerly line of the west 119.48 feet of lot 36 all inclusive of "Frischkorn's Warren Avenue Park" being a Subdivision of part of the Northeast  $\frac{1}{4}$  of Section 11, T. 2 S., R. 10 E., Dearborn Township, Wayne County, Michigan, as recorded in Liber 39, Page 89, 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 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 Browne, Cleveland, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 8.

Nays — None.

**Environmental Protection and Maintenance Department**

June 13, 1977

Honorable City Council:

Re: Petition No. 3618 — Lipshaw Mfg. Corp., et al. Temporarily Close the Southerly Portion of the north-south alley north of Majestic between Central and Bryden.

We are returning herewith Petition No. 3618 of Lipshaw Mfg. Corporation, et al, 7446 Central, requesting the temporary closing of a portion 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 other 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 Development Department is attached for

consideration by your Honorable Body.

Respectfully submitted,  
JAMES W. WATTS,

Director

By Council Member Henderson:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permit to Lipshaw Manufacturing Corporation, et al, 7446 Central, to close the portion of the north-south alley north of Majestic, between Central and Bryden, abutting the rear line of lots 1 to 20 of Przybylski's Subdivision as recorded in Liber 33, Page 78, Plats, Wayne County records, on a temporary basis for a period not exceeding three (3) years from June 22, 1977;

PROVIDED, That the temporary closing is to be for a period of three (3) years, except that during that period and without cause, this grant may be revoked at the will, whim and caprice of the City Council. If this grant is continued for the three (3) year period, the City Council may, upon request and if the circumstances justify accordingly, grant an extension thereto. Further, that the gates securing this section of alley shall be open and the alley available for traffic between the hours of 8:00 a.m. to 5:00 p.m., Monday through Fridays inclusive.

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 Environmental Protection and Maintenance 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 proper-