

Department.

Approved:

ROGER E. CRAIG
Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.
Nays — None.

Law Department

September 1, 1978

Honorable City Council:

Re: PETITION TO CONVERT ALLEYS TO EASEMENTS-HARMONY VILLAGE.

For your consideration, submitted herewith are three (3) petitions requesting the conversion of various alleys into easements in the general area known as HARMONY VILLAGE.

The requested conversions into easements for public utilities were recommended by the Community and Economic Development Department upon prior investigation and report. For filing in the office of the City Clerk, please find report, petitions to vacate the public alleys, a sketch of each alley and Notice of City Council Hearing.

All other involved City Departments and privately owned utility companies have no objections to the conversion of the public right-of-ways into easements 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,
HILDA H. HIRATA

Asst. Corporation Counsel

By Council Member Rogell:

WHEREAS, The following petitions have been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting the alleys as herein described, and public hearings were held by this body on July 26, 1978, pursuant to ordinance for the purpose of determining the advisability of these alley vacations,

NOW, THEREFORE, BE IT RESOLVED THAT

PETITION NO. 5512, Conversion to easement of the North/South Alley in the Block bounded by McNichols, Sorrento, Grove and Ward Avenues.

Resolved that all that part of the North/South public alley sixteen (16) feet wide, in the block bounded by McNichols, Sorrento, Grove, and Ward Avenues, abutting the rear line of Lots 70 and 89, both inclusive, on the East

of said alley and Lots 90 to 109, both inclusive on the West of said alley, in the MURPHY BROTHERS ST. MARY'S WOODS SUBDIVISION of the West ½ of the Northeast ¼ of the Northwest ¼ of Section 17, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 50, Page 20 of Plats, Wayne County Records.

PETITION NO. 5721, Conversion to easement of the North/South alley in the block bounded by Cruse, Stansbury, Grove and McNichols Avenues.

Resolved that all that part of the North/South public alley, eighteen (18) feet wide, in the block bounded by Cruse, Stansbury, Grove and McNichols, abutting the rear line of Lots 52 to 66, on the West of said alley and Lots 67 to 81, both inclusive, on the East of said alley in the ACME PARK SUBDIVISION of part of the West ½ of the North ¾ of the Northeast ¼ of Section 18, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 66, Page 3 of Plats, Wayne County Records.

PETITION NO. 6180, conversion to easement of the North/South alley in the block bounded by Chalfonte, Cheyenne, Eaton and Littlefield Avenues.

Resolved, that all that part of the North/South public alley, in the block bounded by Chalfonte, Cheyenne, Eaton and Littlefield Avenues, the eighteen (18) foot alley running North and South North of Eaton between Littlefield and Cheyenne lying East of Lots 49 and 50 and West of Lots 61 and 62 of the GEORGE AYRIS SUBDIVISION of the South ½ of the North ½ of the Southwest ¼ of the Northwest ¼ of Section 20, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 51, Page 66 of Plats, Wayne County Records. Also, East of Lots 51 to 60, both inclusive, and West of Lots 61 to 70, both inclusive, in the LIVINGSTON'S COOLIDGE SUBDIVISION of Lots 9 to 72, inclusive, of Livingston's Monnier Subdivision of the North 10 acres of the Southwest ¼ of the Northwest ¼ of Section 20, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 3 of Plats, Wayne County Records. Also, a sixteen (16) feet wide alley running North and South, South of Chalfonte between Littlefield and Cheyenne lying East of Lots 106 to 119, both inclusive, and West of Lots 120 to 133, both inclusive of the ALCOMA SUBDIVISION of part of the Northwest ¼ of the North-

west ¼ of Section 20, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 34, Page 85 of Plats, Wayne County Records.

Be and the same are hereby vacated as public alleys and are hereby converted into public easements of the full width of the alley, which easements 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 easements or right of ways 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 utility easements or right of ways in and over said vacated alleys hereinabove described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easements or right of ways. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easements with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies other than that specifically prohibited by this resolution shall be restored to a satisfactory condition.

THIRD, 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 partitions walls (except necessary line fence) shall be built or placed upon said easements, nor any change of surface grade made, without prior approval by the Environmental Protection and Maintenance Department.

FOURTH, 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 easements, 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 assigned (by way of illustration but not limitation), such as storage of excessive weights of materials or construction not in accordance with Section 3, 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 shall, within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds, and shall send a certified copy to the State Treasurer, and shall further transmit a copy of this resolution to the City Engineer, to the Law Department and to the Environmental Protection and Maintenance Department; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the Law Department shall notify the owners of the property abutting on such alleys or portions thereof and other necessary parties that they alleys or portions thereof have been vacated and converted into easements for utilities; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the City Engineer shall correct the official city maps and records; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the Environmental Protection and Maintenance Department shall adjust its garbage and refuse collection services accordingly.

APPROVED:

ROGER E. CRAIG

Corporation Counsel

Adopted as follows:

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

Nays — None.

**Building and Safety
Engineering Department**

September 12, 1978

Honorable City Council:

Re: Dangerous Buildings.