

accord with the foregoing communication; and be it further

RESOLVED, That the persons residing in the subject area at the time of acquisition of these properties receive relocation assistance consistent with that being provided in federally-funded project areas; and be it further

RESOLVED, That the Finance Director be authorized to establish the appropriate accounts and to honor vouchers when presented in accord with the foregoing communication.

Adopted as follows:

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

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

September 25, 1978

Honorable City Council:

Re: Petition No.'s 21 and 61, Forest City Dillon, Inc. Conversion to Easement of the remaining alleys and turnaround in the block bounded by vacated Prest, Whitcomb, West Seven Mile and Cambridge.

The above petition requests the conversion of the above described portions of alleys, 18 and 20 feet wide, and the turnaround 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 following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

EPMD - Intersection Fund \$395.00 for the original cost of paving Whitcomb at the intersection of the alley to be vacated.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of 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,
LOUISE W. KLEI
City Engineer

Approved:
JAMES W. WATTS
Director

By Council Member Hood:

Resolved, that all that part of the north-south public alley, 18 feet wide, not previously vacated in the block bounded by vacated Prest, Whitcomb, West Seven Mile and vacated Cambridge abutting the rear line of lots 152 and 138, the southerly 3.64 feet of lot 137, and the southerly 10.74 feet of lot 153 of Daniel V. Wolf's Avon Boulevard Subdivision of part of the S.W. ¼ of the S.W. ¼ of Section 6, T 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan as recorded in Liber 49, Page 94, Plats, Wayne County Records; also

All that part of the east-west public alley, 20 feet wide, in the above described block, not previously vacated abutting the rear line of lots 139 to 146 and the easterly 16.5 feet of lot 147 and abutting the southerly line of lot 138 and the easterly 22 feet of lot 152 and the 18 foot wide north-south alley lying between the rear line of lots 138 and 152 all inclusive of the above mentioned subdivision; also

All that part of lots 152 and 153 dedicated for an alley turnaround in the above block on June 21, 1949 (JCC Pages 1886-7) described as the easterly 22 feet of lot 152 and the easterly 22 feet of the southerly 10.74 feet of lot 153 all inclusive of the above mentioned subdivision

Be and the same are hereby vacated as public alleys and are hereby converted into public easements of the full width of the alleys, 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 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 easements, 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 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 the Finance Director is hereby authorized and directed to issue to the petitioner a Quit Claim Deed to the above described vacated alleys and the Law Department is hereby directed to prepare such deed.

Adopted as follows:

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

Nays — None.

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

September 26, 1978

Honorable City Council:

Re: Wilbert J. McClure, (1164), Request to construct garage encroaching into easement at rear of 18442 Birwood.

Your Committee of the Whole referred the above petition to this office for investigation and report. The Environmental Protection and Maintenance Department has made a field investigation of petitioner's request. Our findings are as follows:

Petitioner's lot is 117 feet deep which dimension includes a 9 foot easement at the rear. Petitioners wishes to construct a garage which will encroach 4 feet into the easement.

We find that the above request for permission to encroach into the easement complies with the policy adopted by your Honorable Body on February 23, 1965, J.C.C. Page 348 and 349. An appropriate resolution is at-

tached for consideration and adoption by your Honorable Body.

Respectfully submitted,

LOUIS W. KLEI
City Engineer

APPROVED:

JAMES W. WATTS
Director

By Council Member Hood:

Resolved, that the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to Mr. Wilbert J. McClure, to construct a garage which will encroach 4 feet into the 9 foot easement at the rear of lots 138 and 139 of Dwyer's Marygrove Subdivision of the N ½ of the S ½ of the NE ¼ of Section 8, T. 1 S., R. 11 E., City of Detroit, Wayne County, Michigan as recorded in Liber 51, page 93, Plats, Wayne County Records; located on the east side of Birwood, north of Pickford, commonly known as 18442 Birwood.

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

PROVIDED, that no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the garage, driveway, building and all obstruction in connection therewith shall be removed at the expense of the grantee at any time when so directed by the City Council; and further

PROVIDED, if at any time in the future it becomes necessary to repair or replace the sewers or other utilities located or to be located in said easement by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Department of Public Works at the owners' expense; and further

PROVIDED, that this resolution is revocable at the will, whim, or caprice of the City Council, and the grantees by the acceptance of this permission waive any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein.

Adopted as follows:

Yeas — Council Members Cleveland,