

**Environmental Protection and  
Maintenance Department**  
January 12, 1978

Honorable City Council:

Re: Petition No. 2149 — Detroit Board of Education. Conversion to easement for subsurface utilities of portions of streets and alleys west of Rosa Parks Boulevard, between Canfield and Forest.

The above petition requests the conversion of the above described streets and alleys, into easements for subsurface public utilities. The requested conversion into easements for public utilities was approved by the Community and Economic Development Department. The petition was then referred to us for investigation and report, accompanied by the original petition, is as follows:

The petitioner has issued the following purchase orders, which have been credited to the departments named, for the purposes indicated:

**Water and Sewerage Department  
(Sewer Maintenance Division)**

Purchase Order No. 16959 \$8,000.00

For the estimated cost to construct new catch basins.

**Public Lighting Department**

Purchase Order No. 31868 \$12,000.00

For the estimated cost to remove overhead lighting facilities.

**EPMD — Street Maintenance Division**

Purchase Order No. 16479 \$4,500.00

For the estimated cost to remove the paved street and alley returns.

**EPMD — Intersection Fund**

Purchase Order No. 36415 \$1,120.00

For the original cost of paving the streets at the intersection of the streets and alleys to be vacated.

All other involved City departments and privately-owned utility companies reported that they have no objection 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,  
JAMES W. WATTS,  
Director

By Council Member Cleveland:

RESOLVED, that all that part of Caroline Street, 50 feet wide, lying between and abutting the westerly line of Rosa Parks Boulevard (formerly 12th Street) 54.84 feet wide, and the easterly line of the 10 foot wide north-south public alley second west of said Rosa Parks Boulevard, as platted in Wm. B. Wesson's Section of the Thompson Farm, north of Grand

River Road, as recorded in Liber 1, Page 31, Plats, Wayne County records; also

All that part of Lysander Street, 50 feet wide, lying between and abutting the westerly line of Rosa Parks Boulevard, 54.84 feet wide, and the easterly line of the 10 foot wide north-south public alley second west of said Rosa Parks Boulevard, all inclusive of the above mentioned subdivision; also

All that part of the north-south public alley, 15 feet wide, in the block bounded by Vermont, Rosa Parks Boulevard, Caroline and Forest, inclusive of the above mentioned subdivision; also

All that part of the north-south and east-west public alleys, 15 and 20 feet wide, in the block bounded by Vermont, Rosa Parks Boulevard, Lysander and Caroline, inclusive of the above mentioned subdivision; also

All that part of the north-south and east-west public alleys, 15 and 20 feet wide, in the block bounded by Vermont, Rosa Parks Boulevard, Canfield and Lysander, inclusive of the above mentioned subdivision;

Be and the same are hereby vacated as public streets and alleys and are hereby converted into subsurface public easements of the full width of the Streets and 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 subsurface public easements or right-of-way in said vacated public streets and 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 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 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 fu-

ture the owners of any lots abutting on said vacated streets and alleys shall request the removal and/or relocation of any existing utilities in said easement, such owners, upon whose property the 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 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 Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.  
Nays — None.

**Environmental Protection and Maintenance Department**

January 13, 1978

Honorable City Council:

Re: Petition No. 5995 — Farro Manufacturing Company. Conversion to Easement of the east-west alley, easterly of Rivard Street, between Franklin and Woodbridge Streets.

The above petition requests the conversion of the above described alley, 15 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 Cleveland:

RESOLVED, that all that part of the east-west public alley, 15 feet wide, easterly of Rivard Street, between Franklin Street and Woodbridge Street abutting the rear line of lots 25 to 27 and lots 28 to 30 all inclusive of the Plat of Part of the Rivard Farm, as surveyed into lots for H. M. Campbell and T. B. Clark, Proprietors, Detroit, Wayne County, Michigan, as recorded in Liber 6, Page 52, City records,

Be and the same is hereby vacated as 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 purpose 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 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 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