

and laid on the table.
Resolution Setting Hearing

By Council Member Rogell:

Resolved, That a public hearing will be held by this body in the Committee Room, 13th Floor of the City-County Building, on FRIDAY, DECEMBER 8, 1978 AT 10:45 A.M. for the purpose of considering the advisability of adopting the foregoing proposed ordinance to amend the Uniform Income Tax Ordinance, No. 900-F, at which time all interested persons are invited to be present to be heard as to their views.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, McFadden, Rogell, and President Pro Tem Mahaffey — 8.
Nays — None.

Law Department

November 14, 1978

Honorable City Council:

Re: Roger A. Stevens, et. al. (5632). To Convert Alley to Easement.

For your consideration, submitted herewith is petition requesting the conversion of an alley into an easement in the City of Detroit.

The requested conversion into an easement for public utilities was 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, petition to vacate the public alley, a sketch of said 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 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,
HILDA H. HIRATA,

Asst. Corporation Counsel

By Council Member Eberhard:

WHEREAS, The following petition has been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting the alley as herein described, and a public hearing having been held by this body on November 21, 1978 pursuant to ordinance for the purpose of determining the advisability of this alley vacation:

PETITION NO. 5632

CONVERSION TO EASEMENT OF
THE NORTH/SOUTH ALLEY IN
THE BLOCK BOUNDED BY

GREENVIEW, FAUST, TIREMAN
AND BELTON AVENUES;

NOW, THEREFORE, BE IT RESOLVED, That all that part of the North/South alley, eighteen (18) feet wide, in the block bounded by GREENVIEW, FAUST, TIREMAN AND BELTON AVENUES, abutting the South 18 feet of Lot 485 to 495, both inclusive, on the West of said alley and Lots 509 to the South 18 feet of Lot 519, both inclusive, on the East of said alley. Also, a twenty (20) foot alley running East and West abutting Lot 495 on the North of said alley and Lot 496 to the West 11 feet of Lot 502 on the South of said alley in the BONAPARTE PARK SUBDIVISION, of part of the West ½ of the Northeast ¼ of Section 2, Town 1 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 49, Page 99 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 partition walls (except necessary line fence) shall be built or placed upon said easements, nor any change or 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 assigns (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 the 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, McFadden, Rogell, and President Pro Tem Mahaffey — 8.

Nays — None.

Law Department

November 20, 1978

Honorable City Council:

Re: Request for repeal of City of Detroit Municipal Code Ordinance 25-2-44, an ordinance of the penal provisions of the littering division; and the reenactment of that amendment to Municipal Code Chapter 25, Article I, Section 25-1-44.

On October 18, 1978, this Honorable Body enacted an ordinance to amend Chapter 25, Article II, Section 25-2-44 of the City of Detroit Municipal Code, in order to change the penal provisions of the littering division of the Municipal Code. (With an effective date of December 3, 1978)

That action however, based on the ordinance submitted by this department, was not reflective of the intent of the City Council to properly amend Chapter 25, Article I, Section 25-1-44 of the littering division of the Municipal Code.

This office, therefore, requests that this Honorable Body repeal the ordinance amended as Chapter 25, Article II, Section 25-2-44 and reenact that ordinance as an amendment to Chapter 25 Article I, Section 25-1-44.

Respectfully submitted,

JOSEPHINE A. POWELL

Asst. Corporation Counsel

By Council Member Hood:

AN ORDINANCE to repeal Chapter 25, Article 2, Section 25-2-44 of the City of Detroit Municipal Code which provides that a violation of any section of this division is punishable, upon conviction, by a fine of not less than fifty (\$50.00) dollars, and not exceeding five hundred (\$500.00) dollars or by imprisonment in the City House of Correction not to exceed ninety days, or to be either or both so fined and sentenced to spend not less than eight (8) hours in one calendar day picking up litter or to collect forty (40) pounds of common refuse or garbage whichever occurs first.