

sive of William B. Wesson's Section of the Thompson Farm, north of Grand River Road, as recorded in Liber 1, Page 31, 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 and 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 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, 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  
City Engineering Division**

July 5, 1978

Honorable City Council:

Re: Petition No. 5761. Detroit Institute of Technology, Conversion to Easement of a portion of the north-south alley in the block bounded by Third, Second Ledyard and Temple.

The above petition requests the conversion of the above described alley, 20 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:

The petitioner has made the following deposits which has been credited to the departments named, for the purposes indicated:

Public Lighting Department \$50.00 for the initial payment to lease the alley lighting on a yearly maintenance agreement.

The petitioner has also requested that the paved return at the entrance to the alley to be vacated remain in its present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-way into 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,

LOUIS W. KLEI  
City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Cleveland:

Resolved, that all that part of the north-south public alley, 20 feet wide, in the block bounded by Third, Second, Ledyard and Temple Avenues



abutting the rear line of lots 1 to 6 and the southerly 34.3 feet of lot 7 and abutting the rear line of lots 13 to 18 and the southerly 34.3 feet of lot 12 both inclusive of Block 82 of the Subdivision of Blocks 81 and 82 of the Cass Farm, as recorded in Liber 1, Page 93, 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 and 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 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; and be it further

Resolved that if at anytime in the future the petitioner or his assigns changes the surface grade of the alley or in any way blocks the drainage to the existing catchbasin from the portion of alley to remain open then a new catchbasin shall be installed in said open portion of alley with all costs borne by the petitioner or his assigns.

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**

July 26, 1978

Honorable City Council:

Re: Petition #672 - Mary Chundrilk, for removal of garage debris from 8655 Sherwood without charge due to hardship.

Returned herewith is Petition No. 672 by Mary Chundrilk requesting free removal of garage debris at 8655 Sherwood due to hardship.

Inspector G. James of our Environmental Control Division contacted Ms. Chundrilk and verified that the unfortunate circumstances surrounding her request qualified her for assistance.

The Environmental Protection and Maintenance Department, viewing this as a hardship case recommends that the debris be removed without charge.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Hood:

RESOLVED, That the Environmental Protection and Maintenance Department be and is hereby authorized and directed to remove debris free of charge in accordance 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 and Maintenance Department  
City Engineering Division**

July 25, 1978

Honorable City Council:

Re: Petition No. 5505. Leon Weber-