

**APPROVED:**

**JAMES W. WATTS**

Director

By Council Member Hood:

Resolved, That all that part of the east-west public alley, 20 feet wide, north of Freud Avenue and west of Harding Avenue abutting the rear line of lots 138 to 142 and abutting the southerly line of lot 137, all inclusive of "Keans Freud Avenue Subdivision No. 1" of part of Private Claims 387 and 724, City of Detroit, Wayne County, Michigan as recorded in Liber 59, Page 13, 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 an 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.

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**

April 11, 1978

Honorable City Council:

Re: Petition No. 5843, Canfield West-Wayne Preservation Association, Inc. Conversion to Easement of the northerly 100 feet of the north-south alley east of Third between Willis and Canfield.

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:

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,

**LOUIS W. KLEI**  
City Engineer

**APPROVED:**

**JAMES W. WATTS**

Director

By Council Member Hood:

Resolved, That all that part of the north-south alley, 20 feet wide, in the block bounded by Third, Second, Willis and Canfield abutting the

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easterly line of lots 7 and 8 and abutting the westerly line of the northerly 100 feet of lot 9 all inclusive of Block 98, of the Subdivision of Blocks 97 and 98 of the Cass Farm as recorded in Liber 1, Page 259, 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 an 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.

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**

April 4, 1978

Honorable City Council:

Re: Petition No. 5786. J. Brady and Sons, Inc. Conversion to Easement and vacation Allen Place East of Oakman and Roselawn between Allen Place and Beechdale, and certain alleys.

The above petition requests the vacation and conversion of the above described streets and alleys into an easement for public utilities.

The requested vacation and 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 requested that the paved return at the entrance to Allen Place from Oakman Boulevard 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.

The petitioner has also requested that due to the considerable expense incurred in the expansion of their facilities the reimbursement of the original paving costs of the streets be waived by your Honorable Body.

All City departments and privately-owned utility companies reported that they will be unaffected by the vacation and conversion to an easement of said street and 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,

LOUIS W. KLEI  
City Engineer

APPROVED:  
JAMES W. WATTS  
Director