

All that part of the east-west public alley, 18 feet wide, in the above described block, abutting the rear line of lots 7 to 18 of the above described subdivision

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, Rogell, and President Henderson — 8.

Nays — None.

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

September 13, 1978

Honorable City Council:

Re: Petition No. 6136. General Motors Corporation. Deeding Property for a new alley outlet at Milwaukee and Second.

On April 19, 1978 (J.C.C. Pages 1003-1004) your Honorable Body granted the petition (6136) of the General Motors Corporation to vacate a portion of the east-west alley in the block bounded by Third, Second, Milwaukee and West Grand Boulevard.

As a part of the petition the corporation agreed to deed to the City a new alley outlet into Milwaukee.

A Quit Claim Deed has been received from the petitioner, deeding the necessary land. This deed was approved as to form and execution by the Law Department and as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

The adoption of the attached resolution is recommended.

Respectfully submitted,

LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS
Director

By Council Member Eberhard:

Resolved, that the Quit Claim Deed of the General Motors Corporation, deeding land to the City of Detroit for a new alley outlet described as:

The easterly 20.0 feet of Lot 19, Block 2, of "Moran and Moross Subdivision of part of Sections 31 and 36, Town 1 South, Range 11 and 12 East, and part of Baker and Forsyth Farms, Detroit, Wayne County, Michigan, as recorded in Liber 8, Page 15, Plats, Wayne County Records;

Be and the same is hereby accepted and the Finance Director is hereby directed to record said deed in the office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 8.

Nays — None.

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

September 11, 1978

Honorable City Council:

Re: Petition No. 6115. U.A.W. — Solidarity House. Conversion to Easement of the remaining alleys in the area bounded by Fischer, Crane, Bruce and Leach.

The above petition requests the conversion of the alleys in the above described area, 7.5 and 15 feet wide, into easements for public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department with the recommendation that sufficient land be dedicated for a new alley outlet into Fischer Avenue. 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 with the City Treasurer, which have been credited to the departments and accounts named, for the purposes indicated.

Public Lighting Department: Receipt No. A 0610 \$300.00 for the estimated cost to relocate lighting of facilities.

EPMD - Intersection Fund: Receipt No. A 0613 \$160.00 for the original cost of the streets at the intersection of the alleys to be vacated.

The petitioner has also requested that the paved returns at the entrance to the alleys remain in their 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.

A Warranty Deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley outlet into Fischer Avenue. This deed was approved as to form and execution by the Law Department and as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

The petitioner has requested that this new alley outlet be immediately closed on a temporary basis. The Community and Economic Development Department approved this concept with certain provisions which are included in the attached resolution.

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,
LOUIS W. KLEI
City Engineer

Approved:
JAMES W. WATTS
Director

By Council Member Eberhard:

Resolved, that all that part of the east-west public alley, 15 feet wide, in the block bounded by Fischer, Crane, vacated Bruce, and Leach Avenues abutting the rear line of lots 89 and 90, and lots 103 and 104, both inclusive of Oldes Subdivision of lots 24, and 25, P.C. 723, Hamtramck, Wayne County, Michigan, as recorded in Liber 12, Page 40, Plats, Wayne County records; also

All that part of the north-south public alley, 7.5 feet wide, in the area bounded by Fischer, Crane, Jefferson and Leach Avenues abutting the rear line of lots 8 to 15, the southerly 19.3 feet of lot 16, and the northerly 5 feet of lot 7, all inclusive of Bernart and Fischer's Subdivision of lots 22 and 23 of the Subdivision of the West part of Private Claim 723, Hamtramck, Wayne County, Michigan, as recorded in Liber 10, Page 27, 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 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 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 watermains, 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 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 all that part of the new alley outlet into Fischer Avenue, the title to which is accepted for the City in this resolution, being the northerly 20 feet of the southerly 25 feet of Lot 7 of Bernart and Fischer's Subdivision as recorded in Liber 10, Page 27, Plats, Wayne County records

Be and the same is hereby closed on a temporary basis for a period to run concurrently with the Board of Zoning Appeals Grant No. 754-77 which expires on December 20, 1982 and the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permit to the petitioner for said closing subject to the following provisions:

PROVIDED, that petitioner shall be subject to any tax which may be levied against it pursuant to law with regard to such use of public property, and further

Provided, petitioner first furnishes an Agreement, in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the Finance Department, and further

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

PROVIDED, that no building or other structure is constructed in said alley that petitioner shall observe the rules and regulations of the Environmental Protection and Maintenance Department, and further subject to the following provisions:

The City of Detroit retains all rights and interests in the area herein temporarily closed;

The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed alley and further

PROVIDED, that at the expiration of said permit, all obstructions therein shall be removed at the expense of the

grantee, and the public property affected shall be restored to a condition satisfactory to the Environmental Protection and Maintenance Department, by and at the permittee's expense, and further

PROVIDED, this resolution is revocable at the will, whim or caprice of the City Council, and further, that grantee acquires no implied or other privileges hereunder, not expressly stated herein, and be it further

Resolved, that if at any time in the future it becomes necessary to open the new alley outlet, the cost of construction of a new concrete alley return and the necessary construction in the new alley shall be the responsibility of the petitioner or his assigns; and be it further

Resolved, that the Finance Director is hereby authorized and directed to issue to the petitioner a Quit Claim Deed, and the Law Department is directed to prepare the deed to the above described portions of vacated alleys; and be it further

Resolved, that the Warranty Deed of the Union Building Corporation, a Michigan Non-profit Corporation, deeding land to the City of Detroit for a new alley outlet being described as:

Land in the City of Detroit being the northerly 20 feet of the southerly 25 feet of lot 7, inclusive of "Bernart and Fischer's Subdivision of Lots 22 and 23 of the Subdivision of the West part of the Private Claim 723", Hamtramck, Wayne County, Michigan, as recorded in Liber 10, Page 27, Plats, Wayne County records,

Be and the same is hereby accepted and the Finance Director is hereby directed to record said deed in the office of the Register of Deeds for Wayne County; and be it further

Resolved, that the City Clerk is hereby authorized and 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, Rogell, and President Henderson — 8.

Nays — None.

**Environmental Protection &
Maintenance Department
City Engineering Division**
September 13, 1978

Honorable City Council:

Re: Petition No. 287. Patton Block Club. Vacation of the public walkway north of Patton Court, between Bralle and Patton Avenue.

The above petition requests the vacation of the above described public