

Cockrel, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.  
 Nays — None.

**Law Department**

May 11, 1979

Honorable City Council:

Petition for Conversion of Alleys to Easements Petition Nos. 662 and 2624.

The above petitions request the conversion of two (2) alleys into easement for public utilities which were recommended by the Community & Economic Development Department upon prior investigation and reports. Copies of the reports, petitions to vacate public alley, sketches of the alleys and notices have been previously presented to you.

All other involved City departments and privately owned utility companies have no objections to the conversion of the public right-of-way 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,

**HILDA H. HIRATA**

Assistant Corp. Counsel

By Council Member Cockrel:

WHEREAS, the following petitions have been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting the alleys herein described, and public hearings having been held by this Body on April 4, 1979 pursuant to the ordinance for the purpose of determining the advisability of these alley vacations;

NOW, THEREFORE, BE IT RESOLVED THAT

PETITION NO. 662, CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY HAYES, DUCHESS, MOGUL AND CRAFT;

RESOLVED, that all that part of the East/West alley eighteen (18) feet wide, in the block bounded by HAYES, DUCHESS, MOGUL and CRAFT AVENUES, abutting Lots 72 to 82, both inclusive, on the North of said alley and Lots 83 to 96, both inclusive, on the South of said alley in the **BARBER'S HAYES BOULEVARD** SUBDIVISION of part of lots 1 and 2 of the Subdivision of the Back Concession to Private Claim 262 & 272, Gratiot Township, Wayne County, Michigan, as recorded in Liber 48, Page 51 of Plats, Wayne County Records. Also abutting Lots 155 to 162, both inclusive, on the North of said alley and Lots 164 to 166,

both inclusive, on the South of said alley in the **RONEY'S SUPER-HIGHWAYS** SUBDIVISION of part of Lot 1 of Subdivision of the Back Concession to Private Claim 262 and Private Claim 272 P.C. 272 should be P.C. 273 according to the Patent as recorded in Liber 581, Page 311, Wayne County Deeds, City of Detroit, Wayne County, Michigan, as recorded in Liber 54, Page 16 of Plats, Wayne County Records;

PEITION NO. 2624, CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY BEAVERLAND, BRAMELL, MAJESTIC AND SAWYER;

RESOLVED, that all that portion of the North/South alley eighteen (18) feet wide, in the block bounded by **BEAVERLAND, BRAMELL, MAJESTIC AND SAWYER AVENUES**, abutting Lots 87 to 97, both inclusive, on the West of said alley and Lots 156 to 166, both inclusive, on the East of said alley, in the **FRISCHKORN'S PARKVIEW** SUBDIVISION, of part of Lots 3, 4 and 5 of Joseph Coon's Farm Subdivision of Fractional Sections 3 and 4 and the North part of Private Claim 615, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 41, Page 95 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 in-



specting, 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 of 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:

JOHN HATHAWAY

Acting Corporation Counsel

Adopted as follows:

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

Nays — None.

**Law Department**

May 23, 1979

Honorable City Council:

Re: Braun Engineering Co. (Petition No. 4959) Request for Second Industrial Facilities Exemption Certificate.

Submitted herewith is a resolution approving the second Industrial Facilities Exemption Certificate in Plant Rehabilitation District No. 36 in the vicinity of 19001 Glendale according to the provisions of Act No. 198 of the Public Acts of 1974, as amended.

Respectfully submitted,

CARL RASHID, JR.

Asst. Corporation Counsel

By Council Member Hood:

WHEREAS, This City Council has established by resolution City of Detroit Plant Rehabilitation District No. 36 in the vicinity of 19001 Glendale (J.C.C. ), in the City of Detroit pursuant to Act No. 198 of the Public Acts of 1974, as amended; and

WHEREAS, Braun Engineering Co. (Petition No. 4959) has filed with the City Clerk an application for a second Industrial Facilities Exemption Certificate in said City of Detroit Plant Rehabilitation District No. 36 in the manner and form prescribed by the State Tax Commission; and

WHEREAS, The applicant is the owner or lessee of a facility within said District; and

WHEREAS, On the 14th day of May, 1979 in the City Council Committee Room, 13th Floor, City-County Building, a discussion was held on said application for a second Industrial