

Adopted as follows:
 Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, McFadden, Rogell, and President Henderson — 8.
 Nays — None.

Law Department

July 18, 1979

Honorable City Council:
 Re: Petitions to convert Alleys to Easements.

For your consideration, submitted herewith are three (3) petitions requesting the conversion of various alleys into easements in the City of Detroit.

The requested conversion into easements for public utilities were 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, petitions to vacate the public alleys, a sketch of each alley and Notice of City Council hearing.

All other involved City Departments and privately owned utility companies have no objection 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,
 CHARLES W. ANDERSON, III

Asst. Corporation Counsel
 By Council Member Cleveland:

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 as herein described, and public hearings have been held by this body on June 19, 1979, pursuant to these alley vacations, NOW, THEREFORE, BE IT

PETITION NO. 970

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY ARTESIAN, STAHELIN, BELTON AND CONSTANCE AVENUES.

RESOLVED, that all that part of the North/South alley eighteen (18) feet wide, in the block bounded by ARTESIAN, STAHELIN, BELTON AND CONSTANCE AVENUES, abutting Lots 36 to 48 both inclusive, on the West of said alley and Lots 92 to 104, both inclusive, on the East side of alley, in the BONAPARTE PARK SUBDIVISION, of part of the West ½ of the Northeast ¼ of Section 2, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan,

as recorded in Liber 49, Page 92 of Plats, Wayne County Records;
PETITION NO. 1057

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY WHITCOMB, SUSSEX, FLORENCE AND GROVE AVENUES.

RESOLVED, that all that part of the North-South alley eighteen (18) feet wide, in the block bounded by WHITCOMB, SUSSEX, FLORENCE AND GROVE AVENUES, abutting Lots 185 to 199, both inclusive, on the West of said alley and Lots 200 to 214, both inclusive, on the East of said alley in the INGLEWOOD PARK SUBDIVISION, of the Northwest ¼ of the Northwest ¼ of Section 18, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 50, Page 12 of Plats, Wayne County Records. Also, abutting Lots 57 to 66, both inclusive, on the West of said alley and Lots 75 to 84, both inclusive, on the East of said alley in the TARABUSI GREENFIELD GARDENS SUBDIVISION, of the North ½ of the Southwest ¼ of the Northwest ¼ of Section 18, Town 1 South, Range 11 East, City of Detroit, Wayne County, Michigan as recorded in Liber 50, Page 46 of Plats, Wayne County Records.

PETITION NO. 1322

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY ARTESIAN, STAHELIN, PAUL AND WHITLOCK AVENUES.

RESOLVED, that all that part of the North-South alley, eighteen (18) feet wide, in the block bounded by ARTESIAN, STAHELIN, PAUL AND WHITLOCK AVENUES, abutting Lots 33 to 62, both inclusive, on the West of said alley in the WEST WARREN LAWNS SUBDIVISION, being a Subdivision of the West 12 acres of the Northeast ¼ and the East ½ of the East ½ of the Northwest ¼ of Section 11, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 40, Page 88 of Plats, Wayne County Records. Also abutting Lots 626 to 655, both inclusive, on the East of said alley in the FRISCHKORN'S WARREN AVENUE PARK SUBDIVISION, being a Subdivision of part of the Northeast ¼ of Section 11, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 39, Page 89 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 ease-

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ments 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 purpose 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 of 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:

KAY SCHLOFF

Acting Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

July 19, 1979

Honorable City Council:

Re: Harold Williams vs. Arthur L. Miles. C.A. No. 76 607 176 NO.

We have thoroughly reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in the attached memorandum. It is our considered opinion that payment of the settlement in the amount of \$1250 is in the best interest of all parties.