

Department of a redemption order approved by the Workers' Compensation Department of the State of Michigan.

Approved:

**KAY SCHLOFF**

Acting Corporation Counsel.

Adopted as follows:

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

Nays — Council Member Eberhard — 1.

#### Law Department

September 11, 1979

Honorable City Council:

Re: Petition No. 1174. Conversion to Easement of the East/West Alley in the Block bounded by Bringard, Edmore, Anvil and Hoyt Avenues.

The above petition requests the conversion of the above described alley, eighteen (18) feet wide, into an easement for public utilities.

The requested conversion into an easement for public utilities was recommended by the Community and Economic Development Department upon prior investigation and report. Attached please find said report, petition to vacate the public alley, sketch of the alley and notices.

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

**HILDA H. HIRATA**

Asst. Corporation Counsel

By Council Member McFadden:

WHEREAS, The following petition has been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting the alley as herein described, and a public hearing having held by this body on July 24, 1979 pursuant to ordinance for the purpose of determining the advisability of this alley vacation;

NOW, THEREFORE, BE IT RESOLVED THAT

PETITION NO. 1174

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY BRINGARD, EDMORE, ANVIL AND HOYT AVENUES;

RESOLVED, that all that part of

the East/West alley, eighteen (18) feet wide, in the block bounded by BRINGARD, EDMORE, ANVIL and HOYT AVENUES, abutting Lots 1657 and 1672, both inclusive, on the South of said alley and Lots 1673 to 1687, both inclusive, on the North of said alley in the DRENNAN AND SELDON'S REGENT PARK SUBDIVISION NO. 3, of the East ½ of the Northwest ¼ of Section 1 Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 88 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 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 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 inspecting, 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 of 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, Mahaffey, McFadden, Rogell, and President Henderson — 9.  
Nays — None.

Law Department

September 17, 1979

Honorable City Council:  
Re: Michigan Truck Spring Service, Inc. (Petition No. 1559). Request for Commercial Facilities Exemption Certificate.

Submitted herewith is a resolution approving the Commercial Facilities Exemption Certificate in Commercial Redevelopment District No. 3 in the vicinity of 3411 W. Fort & 3410 W. Jefferson, according to the provisions of Act 255 of the Public Acts of 1978.

Respectfully submitted,  
CARL RASHID, JR.,  
Asst. Corporation Counsel

By Council Member McFadden:  
WHEREAS, This City Council has established by resolution City of Detroit Commercial Redevelopment District No. 3 in the vicinity of 3411 W. Fort & 3410 W. Jefferson (J.C.C. p. 957-58, March 30, 1979), in the City of Detroit pursuant to Act No. 255 of the Public Acts of 1978; and

WHEREAS, Michigan Truck Spring Service, Inc. (Petition No. 1559), has filed with the City Clerk an application for a Commercial Facilities Exemption Certificate in said City of Detroit Commercial Redevelopment District No. 3 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 13th day of September, 1979 in the City Council Committee Room, 13th Floor, City-County Building, a discussion was held on said application for a Commercial Facilities Exemption Certificate at which hearing the applicant, the assessor, and a representative of the affected taxing units had an opportunity for a hearing; and

WHEREAS, Notice was given, by certified mail, to the Detroit Board of Education, the City of Detroit Board of Assessors, Wayne County Board of Commissioners, Wayne County Community College, Wayne County Intermediate School District, and the applicant, informing them of the receipt of said application for a Commercial Facilities Exemption Certificate, the date and location of said discussion, and the opportunity to be heard;