

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

April 9, 1979

Honorable City Council:

Re: Petition No. 1230, Acme Mills Company, Etal. Conversion to Easement of the east-west and north-south alleys east of Loraine between West Warren and Grand River.

The above petition requests the conversion of the above described alleys, 10.54 and 20 feet wide, into an easement for public utilities. The requested conversion into easements for public utilities was approved by the Community, Economic and 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 made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

EPMD Intersection Fund — \$600.00  
Receipt No. B26211 for the original cost of paving Loraine Avenue at the intersection of the 20 foot wide east-west alley to be vacated. The petitioner has also requested that the paved return at the entrance to the alley from Loraine 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 agreed by the same letter to enter a maintenance agreement with the Public Lighting Department to pay an annual fee for the light presently located in the alley to be vacated.

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  
By Council Member McFadden:

Resolved, that all that part of the north-south public alley, 10.54 feet wide, easterly of Loraine Avenue, between West Warren and Grand River Avenues abutting the rear line of lots

12 to 31 of Hubbard and Dingwall's Humboldt Avenue Subdivision of part of Private Claims 474 and 338 lying between Grand River and Warren Avenue as recorded in Liber 17, Page 43, Plats, Wayne County records; also

All that part of the east-west public alley, 20 feet wide, east of Loraine Avenue, between West Warren and Grand River lying between and abutting the rear line of lots 5 to 9 and lots 10 to 12 all inclusive of the above mentioned subdivision;

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, which 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 rights 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 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 easements, 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 mate-

rials 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 petitioner shall enter into an annual maintenance agreement with the Public Lighting Department for the alley light which will remain in the vacated north-south alley; and further

Resolved, that if at any time in the future it becomes necessary to remove the paved alley return at Loraine such removal and construction of new curb and sidewalk will be done according to City specifications and inspection with all costs borne by the petitioner, his heirs, or assigns.

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

April 16, 1979

Honorable City Council:

The Environmental Protection & Maintenance Department recommends the deletion of the following sidewalk assessments, same having been paid on Accounts Receivable Bills:

#### Full Payments:

Roll 1-W, Lot 319; W. 10 Ft. of Lot 320; N.S. W. Chicago between Piedmont and Grandville, delete \$207.40, Bill No. 26009, Item No. 4180-1, Treas. Receipt No. 21671.

Roll 1-W, E. 10 Ft. of Lot 320 & Lot 321; N.S. W. Chicago between Piedmont and Grandville, delete \$149.90, Bill No. 26008, Item No. 4182, Treas. Receipt No. 21672.

Roll 1-W, Wayne City Condo Plan #71 — Allen Woods Condo; N.S. W. Chicago between Stahelin and Brace, delete \$19.94, Bill No. 28505, Item No. 4229, Treas. Receipt No. 22984.

Total Amount: \$377.24.

#### Partial Payments:

Roll 3-W, N. 43 Ft. of Lot 343; N. 43 Ft. of Lot 342; N. 43 Ft. of Lot 341; E.S. Plainview between W. Chicago and Orangelawn, delete \$25.00, Partial Payment, Bill No. 26610, Item No. 93782.3, Treas. Receipt No. 17011.

Roll 3-W, N. 43 Ft. of Lot 343; N. 43 Ft. of Lot 342; N. 43 Ft. of Lot 341; E.S. Plainview between W. Chicago and Orangelawn, delete \$25.00, Partial Payment, Bill No. 26610, Item No. 93782.3, Treas. Receipt No. 25024.

Roll 3-W, Lot 571 & Lot 572; E.S. Ashton between Plymouth and Wadsworth, delete \$10.00, Partial Payment, Bill No. 26844, Item No. 74907, Treas. Receipt No. 18962.

Roll 3-W, Lot 571 & Lot 572; E.S. Ashton between Plymouth and Wadsworth, delete \$10.00, Partial Payment, Bill No. 26844, Item No. 74907, Treas. Receipt No. 20878.

Roll 3-W, Lot 571 & Lot 572; E.S. Ashton between Plymouth and Wadsworth, delete \$10.00, Partial Payment, Bill No. 26844, Item No. 74907, Treas. Receipt No. 24242.

Roll 3-W, Lot 571 & Lot 572; E.S. Ashton between Plymouth and Wadsworth, delete \$10.00, Partial Payment, Bill No. 26844, Item No. 74907, Treas. Receipt No. 25203.

Total Amount: \$90.00.

#### Full Payments:

Roll 3-W, Lot 138 & E. 9 Ft. vac. alley adj.; W.S. Penrod between W. Chicago and Westfield, delete \$36.88, Bill No. 26734, Item No. 78060, Treas. Receipt No. 37492.

Roll 3-W, N. 16 Ft. of Lot 613; S. 12 Ft. of Lot 612; E.S. Evergreen between Joy and Dover, delete \$284.15, Bill No. 26641, Item No. 95236, Treas. Receipt No. 38121.

Total Amount: \$321.03.

#### Partial Payments:

Roll 4-W, Lot 170 & Vac. alley in Rear; N.S. Fitzpatrick between Westwood and Evergreen, delete \$221.68, Partial Payment, Bill No. 27217, Item No. 68143, Treas. Receipt No. 18963.

#### Full Payments:

Roll 4-W, Lot 403; E.S. Plainview between Wadsworth and Capitol, delete \$175.40 Final Partial Payment, Bill No. 27252, Item No. 93830, Treas. Receipt No. 23439.

Roll 4-W, S. 24 Ft. of Lot 419; N. 17 Ft. of Lot 420; W.S. Plainview between Fitzpatrick and Capitol, delete \$198.30, Bill No. 27264, Item No. 94550, Treas. Receipt No. 37491.

Total Amount: \$373.70.

#### Full Payment:

Roll 5-W, N. 4 Ft. of Lots 78, 79 & 80; E.S. Evergreen between Plymouth and Wadsworth, delete \$829.55, Bill No. 27363, Item No. 95427, Treas. Receipt No. 27103.

Total Amount: \$829.55.

#### Partial Payments:

Roll 5-W, Lot 52; E.S. Cameron between E. Gd. Blvd. and Custer, delete \$5.00, Partial Payment, Bill No. 27428, Item No. 4192, Treas. Receipt No. 17971.

Roll 5-W, Lot 52; E.S. Cameron between E. Gd. Blvd. and Custer, delete \$5.00, Partial Payment, Bill No. 27428.