

July 16

maps and records; and be it further Resolved, that upon the receipt of a copy of the resolution, the Department of Public Works shall adjust its garbage and refuse collection services accordingly.

Approved:

GEORGE W. CROCKETT, JR.
Acting Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.
Nays — None.

Law Department

June 25, 1980

Honorable City Council:

Re: Petitions to Convert Alleys to Easements. Petitions Nos. 2674, 2736 and 2737.

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

The requested conversion into easements for public utilities was recommended by the Community and Economic Development Department upon prior investigation and report. For filing in the office of the City Clerk, please find reports, petitions to vacate the public alleys, a sketch of each of the alleys and Notice of City Council hearing.

All other involved City Departments and privately owned utility companies have no objections to the conversion of the 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,
JOSEPH N. BALTIMORE,
Asst. Corporation Counsel

By Council Member Rogell:

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, pursuant to ordinance for the purpose of determining the advisability of this alley vacation,

Now Therefore, Be It
PETITION NO. 2736

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY AND AN EAST/WEST ALLEY IN THE BLOCK BOUNDED BY PIEDMONT, WARWICK, TIREMAN AND BELTON AVENUES;

Resolved, that all that part of the North/South alley, eighteen (18) feet wide in the block bounded by PIEDMONT, WARWICK, TIREMAN AND BELTON AVENUES, abutting Lots 219 to 230, both inclusive, on the East of said alley and Lots 380 to 391, both inclusive, on the West of said alley and also abutting an eighteen (18) foot alley running East/West and abutting Lots 230 and 380, on the North of said alley and Lots 231 to 237, both inclusive, and Lots 374 to 379, both inclusive, on the South of said alley in the WARRENDALE SUBDIVISION, of the East $\frac{3}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and East $\frac{3}{4}$ of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 2, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan, as recorded in Liber 43, Page 38 of Plats, Wayne County Records;

PETITION NO. 2737

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY DEXTER, WILDEMERE, DORIS AND THE DETROIT TERMINAL R.R.;

Resolved, that all that part of the East/West alley, eighteen (18) feet wide in the block bounded by DEXTER, WILDEMERE, DORIS AND THE DETROIT TERMINAL R.R., abutting Lots 9 to 17, both inclusive, on the South of said alley and Out Lot 2 on the North of said alley in the ROBERT OAKMAN'S FORD HIGHWAY AND DEXTER BOULEVARD SUBDIVISION, of Lots 1 and 2 and part of Lots 3 and 4 HENRY WALKER'S PLAT of the Westerly 80 acres of $\frac{1}{4}$ Section 8 and all of that part of $\frac{1}{4}$ Section 9, 10,000 Acre Tract, lying East of the Mill Road, Greenfield Township, Wayne County, Michigan, as recorded in Liber 36, Page 85 of Plats, Wayne County Records;

PETITION NO. 2674

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY FAUST, PENROD, CONSTANCE AND VAN BUREN AVENUE;

Resolved, that all that part of the North/South alley eighteen (18) feet wide in the block bounded by FAUST, PENROD, CONSTANCE AND VAN BUREN AVENUES, abutting Lots 310 to 316, both inclusive, on the East of said alley and Lots 335 to 341, both inclusive, on the West of said alley, in the MONDALE PARK SUBDIVISION, of part of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 2, Town 2 South, Range 10 East, Dearborn Township, Wayne County, Michigan,

as recorded in Liber 49, Page 15 of Plats, Wayne County Records;

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 easement or right-of-way over said vacated public alley 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 easement for the purpose above set forth.

Second, said utility easement or right-of-way in and over said vacated alley 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 easement or right-of-way. 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 fences) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Department of Public Works.

Fourth, 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 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 Department of Public Works; 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 alley or portion thereof and other necessary parties that the alley or portion thereof have been vacated and converted in easement 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 Department of Public Works shall adjust its garbage and refuse collection services accordingly.

Approved:

GEORGE W. CROCKETT, JR.
Acting Corporation Counsel

Adopted as follows:

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

Nays — None.

**Community and Economic
Development Department**

July 8, 1980

Honorable City Council:

The Community & Economic Development Department recommends acceptance of offers to purchase City-