

Whereas, the successful completion of financing for the hospital entity requires the approval of the Easement Agreement relating to that entity, prior to Council's recess,

Now, Therefore, Be It Resolved that the City Council of the City of Detroit approves the Easement Agreement here presented, subject to the execution of said agreement by all parties thereto, and finally authorizes the Finance Director of the City of Detroit to enter into the Easement Agreement on behalf of the City of Detroit.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.

Nays — None.

**Law Department**

July 25, 1980

Honorable City Council:

Re: Petitions to Convert Alleys to Easements, Petitions Nos. 2670 and 2720.

For your consideration, submitted herewith are two (2) 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

Approved:

**GEORGE W. CROCKETT, JR.**  
Acting Corporation Counsel

By Council Member Hood:

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 these alley vacations.

**PETITION NO. 2670**  
**CONVERSION TO EASEMENT OF**

**THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY DUCHESS, LAING, GRAYTON AND BRITAIN AVENUES;**

RESOLVED, that all that part of the North-South alley, eighteen (18) feet wide, in the block bounded by DUCHESS, LAING, GRAYTON AND BRITAIN AVENUES, abutting Lots 1419 to 1439, both inclusive, on the West of said alley and Lots 1440 to 1460, both inclusive, on the East of said alley in the YORKSHIRE WOODS SUBDIVISION NO. 7, of part of Lot 1 and part of Lot 2 of the Subdivision of Back Concession of Private Claim 258, City of Detroit, Wayne County, Michigan, as recorded in Liber 54, Page 88 of Plats, Wayne County Records;

**PETITION NO. 2720**

**CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY BEACONSFIELD, NOTTINGHAM, YORKSHIRE AND GRAYTON AVENUES;**

RESOLVED, that all that part of the North-South alley, eighteen (18) feet wide, in the block bounded by BEACONSFIELD, NOTTINGHAM, YORKSHIRE AND GRAYTON AVENUES, abutting Lots 43 to 61, both inclusive, on the West of said alley and Lots 107 to 125, both inclusive, on the East of said alley in the LEIGH G. COOPER'S NOTTINGHAM HIGHLANDS SUBDIVISION, of Parcel 6 of the Subdivision of Joseph Young Estate of Lots, 1, 2, 3 and 4 of the Subdivision of the Southeast ½ of Additional Donation of Private Claims 584 and 261, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 90 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 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 of the State Treasurer, and shall further transmit a copy of this resolution to the City Engineer, to the Law Department and 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 receipts 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, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.

Nays — None.

#### Law Department

July 25, 1980

Honorable City Council:

Re: Amended Resolution-Alley Conversion Petition No. 2248.

On November 7, 1979 (J.C.C. Pages 3021-30) your Honorable Body, adopted a resolution for the conversion of alleys. The purpose of this amended resolution is to correct the description of Petition No. 2248.

Respectfully submitted,  
JOSEPH N. BALTIMORE  
Asst. Corporation Counsel

Approved:

GEORGE W. CROCKETT, JR.  
Acting Corporation Counsel

By Council Member Hood:

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 alleys as herein described, pursuant to ordinance for the purpose of determining the advisability of this alley vacation.

PETITION NO. 2248

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