

liable for all costs incidental to the repair of such broken or damaged utility; and be it further

Resolved, That the Finance Department is hereby authorized and directed to issue Quit Claim deeds for the above described property and the Law Department is hereby directed to prepare the deed.

Adopted as follows:

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

Nays — None.

Department of Public Works

February 5, 1981

Honorable City Council:

Re: Petition No. 3004, Community and Economic Development Department, Conversion to Easement of the alleys in the block bounded by Rosa Parks, Churchill, West Grand Boulevard, and Bethune.

The above petition requests the conversion of the alleys, 18 feet wide, in the above described block into an easement for public utilities.

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

All other involved City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of the said alleys or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Cockrel:

Resolved, That all that part of the north-south and east-west public alleys, 18 feet wide, in the block bounded by Rosa Parks, Churchill, West Grand Boulevard, and Bethune, lying easterly of a line 100 feet easterly of and parallel to the easterly line of Rosa Parks Boulevard (formerly 12th Street), 66 feet wide, all inclusive of the Lothrop and Duffield Boulevard Park Subdivision of part of Quarter Section 55, 10,000 Acre Tract, lying north of West Grand Boulevard, Detroit, Wayne County, Michigan, as recorded in Liber 28, Page 1, 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 alleys, which easements 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 rights of way 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 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 Department of Public Works.

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 easement, 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 materials 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.

Adopted as follows:

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

Nays — None.