

ated 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 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 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 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; and be it further

Resolved, That in the future if it becomes necessary to remove the paved alley returns and to construct new curb and sidewalk, such removal and construction will be done under City permit and inspection and according to Department of Public Works specifications with all costs borne by the petitioner or his assigns.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, McFadden, Rogell, and President Pro Tem Mahafey — 7.

Nays — None.

**Department of Public Works**

February 12, 1981

Honorable City Council:

Re: Petition No. 4132. Barry Surplus. Conversion to Easement of a portion of the north-south alley in the block bounded by Cloverdale,

Turner, Grand River, and Burlingame.

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

The requested conversion into easement for public utilities improved by the Community and Economic Development. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

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

The adoption of the attached resolution is recommended.

Respectfully submitted,  
LOUIS W. KLEI,  
City Engineer

Approved:

JAMES W. WATTS,  
Director

By Council Member Rogell:

Resolved, That all that part of the north-south alley, 18 feet wide, in the block bounded by Cloverdale, Turner, Grand River, and Burlingame Avenues abutting the rear line of lots 188 to 193 and lots 165 to 169 and the northerly 40.2 feet of lot 170 all inclusive of the Grand River Park Subdivision of part of Sections 28 and 33, T.1S., R.11E., Greenfield, Wayne County, Michigan, as recorded in Liber 32, Page 77, 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 an easement or right 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 easement, 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 alley 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 levied 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 no 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, McFadden, Rogell, and President Pro Tem Mahafey — 7.

Nays — None.

**Department of Public Works**

February 16, 1981

Honorable City Council:

Re: Petition No. 3508. Milton Butler.  
Request to erect a fence which will encroach into the right-of-way of Verne Avenue.

The above petition was referred to this Department for investigation and report. Our report is as follows:

The petitioner wishes to erect a four foot high fence which will encroach 12 feet into the right of way of Verne Avenue.

All City Departments have no objection to the proposed encroachment.

An appropriate resolution granting the petition with conditions is attached for consideration by your Honorable Body.

Respectfully submitted,  
**LOUIS W. KLEI**  
City Engineer

Approved:  
**JAMES W. WATTS**  
Director

By Council Member Rogell:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Mr. Milton Butler to erect a fence which will encroach 12 feet into the right-of-way of Verne Avenue, 50 feet wide, at the side of 16705 Plainview Avenue, property described as:

Lot 3083, Rosedale Park No. 8, Sub-division of part of N. ½ of NW ¼ of Section 14, T.1S., R.10E., Redford Township, Wayne County, Michigan, as recorded in Liber 50, Page 89, Plats, Wayne County records,

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the petitioner's expense in the Office of the Register of Deeds for Wayne County, and further

Provided, That the private utility companies and the City Departments shall have free and easy access at any time to and from their facilities located or to be located in the above described portions of streets; and further

Provided, That no right in the public street shall be considered waived by this permission which is granted expressly on the condition that the fence and all obstructions in connection therewith shall be removed at the expense of the grantee at any time when so directed by the City Council; and further

Provided, If at any time in the future it becomes necessary to repair or replace the water mains or sewers or other utilities located or to be located in said street by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary and to restore the property affected to a condition satisfactory to the Department of Public Works.

Provided, That this resolution is revocable at the will, whim, or caprice of the City Council and the grantees by the acceptance of this permission waive any right to claim damages or compensation for the fences constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, McFadden, Rogell, and President Pro Tem Mahafey — 7.

Nays — None.