

- 3555 Florence, Grove, Birwood & Mendota
- 3556 Lauder, Marlowe, Keeler & Midland
- 3557 Snowden, Littlefield, Thatcher & Curtis
- 3564 Yonka, Wexford, Winchester & 8 Mile Road
- 3599 Ferris, Wendell, Vernor Highway & Pitt.
- 3561 Saratoga, Eastwood, Brock & Hayes
- 3562 Penrod, Rosemont, Tireman & Belton.
- 3563 Berkshire, Bonita, Wayburn & Whitehill.
- 3601 St. Mary's, Mansfield, Margareta & Clarita.
- 3602 Grandville, Piedmont, Tireman & Belton.
- 3603 Goulburn, Westphalia, Bringard & Collingham
- 3604 Warwick, Artesian, Van Buren & Joy.
- 3605 Waltham, Goulburn, Bringard & Collingham.
- 3643 Boulder, Cordell, Coram & Novara
- 3645 Fielding, Stout, Tireman & Belton.
- 3646 Whittier, Yorkshire, Laing & Duchess.
- 3648 Somerset, Nottingham, Courville & Haverhill
- 3726 Reno, Hoyt, Pinewood & Liberal.
- 3766 Rockdale, Outer Drive, Acacia & Lyndon.

Respectfully submitted,
JOSEPH N. BALTIMORE,
 Supervising Assistant
 Corporation Counsel

Approved:

SYL DELANEY,
 Deputy Corporation Counsel

By Council Member Hood:

RESOLVED, That a public hearing will be held by the Detroit City Council, 1340 City-County Building, Detroit, Wayne County, Michigan, on Wednesday, April 1, 1981 at 10:00 A.M. in the Committee Room, 13th Floor, City-County Building, to determine the advisability of vacating thirty-one (31) alleys as outlined in the foregoing communication.

Approved:

SYL DELANEY,
 Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

March 4, 1981

Honorable City Council:

Re: Petition to Convert Alley to Easement. Petition No. 4415.

For your consideration, submitted herewith is one (1) petition requesting the conversion of an alley into a easement in the block bounded by GROVER, SPRING GARDEN, PEORIA AND SEYMOUR AVENUES in the City of Detroit.

The requested conversion into an easement for public utilities was recommended by the Community and Economic Development Department upon prior investigation and report.

All other involved City Departments and privately owned utility companies have no objections to the conversion 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,
 Supervising Assistant
 Corporation Counsel

Approved:

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

**NOW, THEREFORE, BE IT
 PETITION NO. 4415**

**CONVERSION TO EASEMENT OF
 THE EAST/WEST ALLEY IN THE
 BLOCK BOUNDED BY GROVER,
 SPRING GARDEN, PEORIA AND
 SEYMOUR AVENUES;**

RESOLVED, that all that part of the sixteen (16) foot section of alley running East/West in the block bounded by GROVER, SPRING GARDEN, PEORIA AND SEYMOUR AVENUES, abutting Lot 524 lying on the South of said alley and Lot 585 and the East 15 feet of Lot 584 on the North of said alley, SEYMOUR AND TROESTER'S MONTCLAIR HEIGHTS SUBDIVISION NO. 1, of part of Section 12, Town 1 South, Range 12 East; Gratiot Township, Wayne County, Michigan. Recorded in Liber 38, Page 12 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:

SYL DELANEY,
Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

February 27, 1981

Honorable City Council:

Re: Brenda G. Page vs. Calvin Gunn and City of Detroit, D.O.T. J & S Circuit Court No. 79-913-253 NI. Our File: 78-3708 RWR.

Representation by the Law Department of the City employee(s) listed below is hereby recommended, as we concur with the recommendation of the Head of the Department and believe that the City Council should find and determine that the suit against the defendant(s) arises out of or involves the performance in good faith of the official duties of such defendant(s).