

sary roadways and turnaround; now be it

RESOLVED, That the following streets are vacated from the west line of the Grand Trunk Railroad right of way (60 feet wide) easterly to the east line of said railroad, said railroad right of way being the easterly 40 feet of the Subdivision of the Rear of the A. Dequindre Farm (P.C.'s 8 & 17) recorded Liber 15 Page 348 City Records and the westerly 20 feet of the Subdivision of P.C. 90 by Heirs of James Witherell recorded Liber 34 Page 2 Deeds W.C.R.

Hale Street 50 feet wide
St. Joseph Street 50 feet wide
Illinois Street 50 feet wide
Alexandrine Avenue 50 feet wide
Superior Street 50 feet wide
Willis Avenue 50 feet wide
Garfield Avenue 50 feet wide
Hancock Avenue 60 feet wide

Be and the same are hereby vacated as public streets to become part of the Grand Trunk Railroad right of way and same are hereby converted into public easements for public utilities the full width of the street rights of way, which easements shall be subjected to the following covenants and agreements uses reservations and regulations which shall be observed by the railroad and by its heirs, executors, administrators and assigns, forever to wit:

FIRST, said railroad hereby grant to and for the use of public utilities an easement or right of way over said vacated public streets herein above 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 street 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 railroad for its heirs and assigns further agree that no buildings or structures of any nature whatsoever 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 railroad shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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 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.

PROVIDED FURTHER, That all construction work done by a utility on or in said easements shall be done in a manner and to the specifications and requirements of the Railroad or its heirs and assigns; and be it further

RESOLVED, That the following City owned parcels of land are hereby set aside as public rights of way for connecting roadways or turnarounds;

Easterly 23 feet of Lot 5, Subdivision of Lots 18, 19, 20, 21, 22 & South Part of 23, Witherell Farm North of Gratiot recorded Liber 1 Page 23 Plats W.C.R. (Connection to alley and turnaround, South side Hale Street)

Easterly 10 feet of Lot 37 and Westerly 18 feet of Lot 38, all in the above Subdivision of Lots 18 to 22 and part of 23 Witherell Farm. (Connection to alley and turnaround South side St. Joseph Street)

Lot 9 (28 feet wide), Jerome and Daly's Subdivision of Lots 96 to 102 and 105 to 119 inclusive of Subdivision of Lots 18 to 22 and South part of 23 Witherell Farm recorded Liber 12 Page 63 Plats W.C.R. (Connection to East-West alley North of Superior Avenue)

Lot 5 (28 feet wide) Freud's Subdivision of Lots 123 to 131 inclusive South side Willis Avenue of the Subdivision of O.L. 18, 19, 20, 21 and 22 of the Witherell Farm recorded Liber 10 Page 97 Plats W.C.R. (Connection to alley and turnaround, South side of Willis Avenue)

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

Department of Public Works

October 26, 1982

Honorable City Council:

Re: Petition No. 488, Mr. C. F. Meier.

Conversion to Easement of a Portion of the East-West Alley, First North of Jefferson, between Holcomb and Belvidere.

The above petition requests the conversion of the above described portion of alley into an easement for pub-

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

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

Department of Public Works — Intersection Fund, Receipt No. A9294 — \$136.00, for the original cost of paving the west one-half of Belvidere Avenue at the intersection of the alley to be vacated.

The petitioner has requested that the paved return at the entrance to the alley to be vacated remain in its present status as the petitioner plans to utilize same, and had agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

On February 21, 1961 (J.C.C. Page 275) two parcels of land were acquired for alley widening purposes which will revert to City ownership when vacated. The petitioner has agreed to purchase these parcels from the City.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of public right-of-way into an easement 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,

LOUIS W. KLEI

City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Collins:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Holcomb, Belvidere, Jefferson and Agnes abutting the southerly line of Lot 6 and the northerly line of lots 1 to 5 all inclusive of J. S. Visger's Subdivision of part of Lots 4, 5, 6 and 7 of the subdivision of R. Beaubien Farm, P.C. 10, north of Jefferson Avenue, City of Detroit, Wayne County, Michigan as recorded in Liber 19, Page 14, Plats, Wayne County records; also

Both parcels of land acquired for alley purposes on February 21, 1961 (J.C.C. Page 275) described as: Beginning at the southwesterly corner of Lot 6 of the above mentioned subdivi-

sion thence northerly along the westerly line of said Lot 6, 20 feet; thence southeasterly 25.26 feet to a point in the southerly line of said Lot 6; thence westerly along the southerly line of said Lot 6, 20 feet to the point of beginning; and described as: Beginning at the northwesterly corner of Lot 1 of the above mentioned subdivision, thence easterly along the northerly line of said Lot 1, 20 feet; thence southwesterly to a point in the westerly line of said Lot 1, 38.87 feet; thence northerly along the westerly line of said Lot 1, 29.5 feet to the point of beginning;

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 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 fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the Department of Public Works.

FOURTH, that if 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 that 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 on payment of a cashier's or certified check payable to "Treasurer, City of Detroit" for the amount of one hundred dollars (\$100), the City of Detroit will issue a Quit Claim Deed for the two parcels of land no longer needed for alley purposes which are legally described elsewhere in this resolution; and be it further

RESOLVED, That the Finance Department is hereby authorized and directed to issue said deed after payment of fee.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

Department of Public Works

October 29, 1982

Honorable City Council:

Re: Petition No. 1088, North Detroit General Hospital, Request to Construct a Pedestrian Bridge which will Encroach over Carpenter East of McDougall.

Returning herewith, print and Petition No. 1088 of the North General Hospital requesting permission to construct a pedestrian bridge across

Carpenter Avenue just east of McDougall.

The bridge will have a clearance of 14.5 feet between the bottom of the bridge and the roadway.

The petitioner has deposited \$2,000.00 to cover inspection costs for the necessary water line work which will be done by his contractor.

The petitioner has agreed to relocate the Public Lighting Departments facilities from the vicinity of the proposed bridge.

All other City departments have reported that they will be unaffected by the encroachment or that they have made satisfactory arrangements with the petitioner.

An appropriate resolution is attached for consideration by Your Honorable Body.

Respectfully submitted,
LOUIS W. KLEI,
City Engineer

Approved:

JAMES W. WATTS,

Director

Department of Public Works

By Council Member Eberhard:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue to the North Detroit General Hospital permits to encroach over the right-of-way of Carpenter Avenue, east of McDougall, property described as:

Lots 98 and 99 of Schellberg and Barnes' Subdivision of the East 40 Acres of the West 80 Acres, ¼ Section 20, 10,000 Acre Tract, Hamtramck, Wayne County, Michigan, as recorded in Liber 17, Page 1, Plats, Wayne County records.

Encroachment to consist of a pedestrian bridge built over Carpenter Avenue with a clearance of approximately 14.5 feet above the roadway all as shown on the preliminary drawings of Nathan Levine and Associates, Inc. No. 82.05B dated July 8, 1982.

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 no right in the public street shall be considered waived by this permission which is granted expressly on the condition that building and all obstruction 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 sewers or other utilities lo-