

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 at any time in the future it becomes necessary to remove the paved alley returns at the entrance to the alleys to be vacated such removal will be done under City permit and Public Works specifications with all costs borne by the petitioner.

Adopted as follows:

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

Nays — None.

#### Department of Public Works

March 24, 1982

Honorable City Council:

Re: Petition No. 5066 Leonard

Brothers Company, Conversion to Easement of Portions of the alleys in the blocks bounded by Green, Beard, Fort and the Fisher Freeway.

The above petition requests the conversion of the above-described public alleys, 10 and 15 feet wide into easements for public 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 requested that the paved returns at the entrance to the alleys to be vacated remain in their 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.

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

L. W. KLEI  
City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Ravitz:

Resolved, That all that part of the 10 foot wide north-south alley and the 15 foot wide east-west alley in the block bounded by Green, Wilde, Fort and the

Fisher Freeway as platted in J. Wilde's Subdivision of Outlot 2 of Scotten and Lovetts Subdivision of part of Private Claims 267 and 270 in Springwells T. 2S., R. 11E., Wayne County, Michigan as recorded Liber 19, Page 81, Plats, Wayne County Records; also

All that part of the east-west public alley, 15 feet wide, in the block bounded by Wilde, Beard, Fort and the Fisher Freeway lying southerly of and abutting the southerly line of Lot 6 and northerly of and abutting the northerly line of Lots 1 to 4 and the westerly 19 feet Lot 5 of N. S. Irwin's Subdivision of Outlot 3 of Scotten and Lovett's Subdivision of part of Private Claims 267 and 270 in Springwells, T. 2S., R. 11E., Wayne County, Michigan, as recorded in Liber 22, Page 10, 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 easements for the purpose above set forth,

Second, said utility easements or rights-of-way in and over said vacated alleys 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 easements or rights-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 easements, nor any change of surface grade made, without prior approval of the Department of Public Works,

Fourth, 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 or illustration but not limitation) such as storage or 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, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

**Department of Public Works**  
March 16, 1982

Honorable City Council:

Re: Petition No. 5683, John D. Romanowski, Request to Temporarily Close Harbor Island Avenue Between Ashland and Alter Road.

We are returning herewith Petition No. 5683 of John D. Romanowski requesting the temporary closing of Harbor Island Avenue between Ashland and Alter Road.

The temporary closing was approved by the Community and Economic Development Department.

All City departments and privately-owned utilities have reported that they have no objections to the proposed closing as long as the resolution grants them right of ingress and egress to their facilities.

An appropriate resolution is at-

tached for consideration by your Honorable Body.

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

Approved:

**JAMES W. WATTS**  
Director

By Council Member Ravitz:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to John D. Romanowski to close Harbor Island Avenue between Ashland and Alter, lying north of and abutting Lots 2 to 5 of Freud's Fox Creek Subdivision, as recorded in Liber 27, Page 2 of Plats, Wayne County Records, on a temporary basis for a period of five (5) years to expire on March 31, 1987;

Provided, Petitioner furnishes an agreement, in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the Finance Department; and further

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

Provided, That the grantee shall acquire no implied or other privileges not expressly stated herein; and further

Provided, That no building or other structure is constructed in said street; that petitioner shall observe the rules of the Department of Public Works, and further subject to the following provisions:

The City of Detroit retains all rights and interests in the area herein temporarily closed;

The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed street;

Provided, That, at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division, by and at the permittee's expense; and further

Provided, This resolution is revocable at the will, whim, or caprice of the City Council, and further that grantee acquires no implied or other privileges hereunder, not expressly stated herein.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley,