

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 fence line) 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 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 the existing fire hydrant in the area shall remain in service and that an additional hydrant and necessary fire lines shall be installed in the area at the petitioner's expense and in accordance with plans approved by the Water and Sewerage Department; and be it further

Resolved, That the Finance Department is hereby directed and authorized to issue a Quit Claim Deed to the above described parcels (three) of vacated east-west alleys adjacent to Delaware Avenue, and the Law Department is directed to prepare said deeds.

Adopted as follows:

Yeas — Council Members Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.  
Nays — None.

## Department of Public Works

June 9, 1982

Honorable City Council:

Re: Petition No. 5317. V. and F. Collision, 19101 Joy Road, Conversion to Easement of the east-west alley south of Joy Road between Piedmont and Warwick.

The above petition requests the conversion of the above described alley, 20 feet wide, into an easement 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 made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

DPW-Intersection Fund, Receipt No. A31132, \$448.00.

For the original cost of paving of Piedmont and Warwick Avenues at the intersection of the alley to be vacated.

The petitioner has also requested that the paved returns at the entrance to the alley 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 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, 20 feet wide, in the block bounded by Piedmont, Warwick, Van Buren and Joy Road, abutting the rear line of Lots 275 to 285 inclusive of Fitzpatrick's Villas, being a subdivision of the S.E. ¼ of the S.W. ¼ of Section 35, T.1S., R.10E., Redford Township and the N.E. ¼ of the N.W. ¼ of Section 2, T.2S., R.10E., Dearborn Township, Wayne County, Michigan as recorded in Liber 54, Page

**23, 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 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 at any time in the future, the owners of any lot abutting on said vacated alley shall request the removal and/or relocation of any exist-

ing 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 Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.  
Nays — None.

**Department of Public Works**

May 18, 1982

Honorable City Council:

Re: Mrs. J. Elliott Murphy, 330  
Cocoanut Row, Palm Beach,  
Florida 33480, Ward 22, Items  
39215-39240.

Mrs. Murphy's property, 26 consecutively numbered vacant lots, was serviced for weed cutting on June 14, 1979. She was billed for this service on Accounts Receivable Issue F48915. This charge became a special assessment when payment was not received on time.

On May 12, 1982, Mrs. Murphy sent the City her check for \$162.50, the check deposited on Cash Receipts Voucher B 27686, dated May 13, 1982.

The assessment, interest and penalty totals \$167.38. The Department offered to accept \$162.60, the amount of the original billing, if payment was made in full.

The Department recommends the assessments on her property, 26 consecutively numbered vacant lots be cancelled.

Respectfully submitted,  
JAMES W. WATTS  
Director

By Council Member Hood:

Resolved, That the Finance Department be and is hereby directed and authorized to cancel the special assessments for weed cutting issued against Ward 22, Items 39215-39240, 26 lots owned by Mrs. J. Elliott Murphy, in accordance with the foregoing communication and list.