

necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Detroit and is hereby given immediate effect. Approved as to form:

MARK R. ULICNY

Acting Corporation Counsel

Read twice by title, ordered printed and laid on the table.

#### Resolution Setting Hearing

By Council Member Kelley:

Resolved, That a public hearing will be held by this body in the Committee Room, 13th Floor of the City-County Building, on Tuesday, November 30, 1982, at 10:20 A.M., for the purpose of considering the advisability of adopting the foregoing proposed ordinance to amend Chapter 27, adopting existing state safety regulations for recreational watercraft and water usage as part of the Municipal Code, at which time all interested persons are invited to be present to be heard as to their views.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

#### Department of Public Works

November 5, 1982

Honorable City Council:

Re: Petition No. 5719, Detroit Board of Education. Conversion to Easement of the Westerly Half of the East-West Alley in the block bounded by Pennsylvania, Cadillac, Mack and Sylvester.

The above petition requests the conversion of the above described portion of 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 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.

The Water and Sewerage Department has requested that the vacating resolution give the existing sewer located in the alley to be vacated to the petitioner with the responsibility for maintaining the sewer.

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 Hood:

Resolved, That all that part of the westerly half of the east-west public alley, 20 feet wide, in the block bounded by Pennsylvania, Cadillac, Mack and Sylvester lying southerly of and abutting the southerly line of Lot 23, Block 18, Albert Hesselbacher and Joseph S. Visger's Subdivision of Lots 1 to 17 inclusive of R. P. Tom's Subdivision of that part of Private Claims 257 to 337, west of Cadillac Avenue and between Mack and Shoemaker Avenues, City of Detroit, Wayne County, Michigan, as recorded in Liber 16, Page 74, 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 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 the existing sewer located in the above described portion of alley hereby becomes the property of the petitioner and becomes their responsibility for maintenance.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

Department of  
Public Works  
Honorable City Council:  
Re: Petition No. 4882 & 5063 (1973).

Motions Systems and Regal Stamping Co. Conversion to Easement of Collingham between Hoover and Groesbeck and the alley in the block bounded by Hoover, Collingham and Groesbeck.

The above petition requests the conversion of the above described street and alley 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:

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

The adoption of the attached resolution is recommended.

Respectfully submitted,  
LOUIS W. KLEI  
City Engineer

Approved:  
JAMES W. WATTS  
Director

By Council Member Kelley:

RESOLVED, That all that part of Collingham Avenue, 25 feet wide, lying between and abutting the easterly line of Hoover Avenue, 66 feet wide, and the westerly line of Groesbeck Highway as opened, 120 feet wide, lying northerly of and abutting the northerly line of Lot 46, the 18 feet wide public alley east of and abutting the easterly line of said Lot 46, and abutting the northerly line of that part of Lot 47 not taken for the opening of Groesbeck Highway all inclusive of the Green Brier Subdivision of part of the West 1/2 of the Northwest 1/4 of Section 2, T.1S., R.12E.; Gratiot Township, Wayne County, Michigan as recorded in Liber 41, Page 73, Plats, Wayne County records; also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Hoover, Collingham and Groesbeck Highway lying between and abutting the southerly line of Collingham Avenue, 25 feet wide, and the westerly line of Groesbeck Highway as opened, 120 feet wide, all inclusive of the above mentioned subdivision;

Be and the same are hereby vacated as public street and alley and are hereby converted into an easement for the Detroit Edison Company, the Michigan Bell Telephone Company