

present status as the petitioner plans to utilize same, and has 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,
CLYDE R. HOPKINS,
Director

By Council Member Mahaffey:

Resolved, that all that part of the north-south public alley, 20 feet wide, in the block bounded by Livernois, Holmur, Kendall and Doris Avenues abutting the rear line of Lots 128 to 133, and the westerly line of Lot 134 all inclusive of Robert Oakman's Livernois Avenue and Dexter Avenue Subdivision of a part of Lots 3, 4, 7 and 8 of Henry Walker's Plat of the westerly 80 acres of $\frac{1}{4}$ Section 8, and all of $\frac{1}{4}$ Section 9, 10,000 Acre Tract, lying east of Mill Road (Livernois Avenues), City of Detroit, Wayne County, Michigan, as recorded in Liber 45, Page 56, 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 of 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.

Adopted as follows:

Yeas — Council Members Cleveland, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 7.

Nays — None.

City Engineering Department
September 30, 1983

Honorable City Council:

Re: Petition No. 1187 and 1961 — Pel-lerito Foods, et al. Vacation of the east-west alley in the block bounded by the Grand Trunk Railroad, St. Aubin, Wilkins and Watson.

The above petition requests the vaca-

tion of the above described alley, 15 feet wide. The requested vacation 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 westerly portion of the alley was previously vacated with easement rights for the sewer remaining. The Water and Sewerage Department has no objection to the vacation provided the sewer easement retained is also abandoned. The sewer serves no other property.

All other involved City Departments and privately-owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
 CLYDE R. HOPKINS,
 Director

By Council Member Mahaffey:

Resolved, that all that part of the east-west public alley, 15 feet wide, in the block bounded by the Grand Trunk Railroad, St. Aubin, Wilkins and Watson, as opened through Lots 66 and 67 and Lots 73 and 74 on March 1, 1883, being the southerly 7.5 feet of Lots 73 and 74 and the northerly 7.5 feet of Lots 66 and 67 all inclusive of the Plat of the Subdivision of Outlot 34, St. Aubin Farm, Detroit, Wayne County, Michigan, as recorded in Liber 1, Page 173, Plats, Wayne County records,

Be and the same is hereby vacated as a public alley to become a part and parcel of abutting property; and be it further

Resolved, that all that part of the easement retained for sewer purposes in the resolution vacating the east-west alley in the block bounded by the Grand Trunk Railroad, St. Aubin, Wilkins and Watson, on August 5, 1930 vacated alley being a part of Lots 75 to 77 and Lots 63 to 65 all of the above subdivision and being a part of Lots 11 to 17 of the subdivision of Lot 16, North of Gratiot, Witherell Farm, as recorded in Liber 44, Page 470, Deeds, Wayne County records; and being a part of Lots 49 to 56 the Subdivision of Lots 14 and 15 on the Witherell Farm north of the Gratiot Turnpike as recorded as Liber 41, Page 450, Deeds, Wayne County records,

Be and the same is hereby vacated as a sewer easement.

Adopted as follows:
 Yeas — Council Members Cleveland, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 7.
 Nays — None.

City Engineering Department

September 30, 1983

Honorable City Council:

Re: Petition No. 214 — George Korinek, et al. Conversion to Easement of the remaining portion north-south alley south of Canfield and east of Third.

The above petition requests the conversion of the above described portion of public 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 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,
 CLYDE R. HOPKINS,
 Director

By Council Member Mahaffey:

Resolved, that all that part of the public alley, 20 feet wide, in the block bounded by Third, Second, West Willis and West Canfield, abutting the rear line of Lot 6 and the northerly 40 feet of Lot 5, and abutting the westerly line of the southerly 90 feet of Lot 9, Block 98, of the Subdivision of Block 97 and 98 of the Cass Farm as recorded in Liber 1, Page 259, 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 water mains, sewers, gas lines or mains, telephone, electric