

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 if at any time in the future it becomes necessary to remove the paved alley return at the entrance to the above portion of alley, then such removal will be done under City permit and inspection with all costs borne by the petitioner or his assigns.

Adopted as follows:

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

Nays — None.

Department of Public Works

January 18, 1983

Honorable City Council

Re: Petition No. 275

Mr. Fawzi Kaspetrus

15146 Harper

Conversion to Easement of a Portion of Lakepoint Avenue South of Harper

The above petition requests the conversion of the above described portion of street 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 Department of Transportation has stipulated that parking bumpers must be installed along the eastern edge of the portion to be vacated in order to allow cars to use the curb for parking.

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 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 westerly 25 feet of Lakepoint Avenue,

10 feet wide, abutting the easterly line of the westerly 1.75 feet of the southerly 97 feet of Lot 6, inclusive of the Harper Outer Drive Subdivision of part of Private Claim 570, as recorded in Liber 46, Page 88, Plats, Wayne County records,

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 street 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 street 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 street 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 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 or surface grade made, without prior approval by the Department of Public Works,

Third, that if at any time in the future the owners of any lot abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located 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, and be it further

Resolved, That the petitioner will in-

stall parking bumpers along the edge of the vacated portion of street as shown on Department of Transportation drawing number 600-699 dated April 15, 1982, with all cost borne by the petitioner or his assigns.

Adopted as follows:

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

Nays — None.

Department of Public Works

January 14, 1983

Honorable City Council:

Re: Petition No. 45. SCO-MOS, Inc., Conversion to Easement of a Portion of the North-South Alley in the block bounded by Second, Cass, Temple and Charlotte.

The above petition requests the conversion 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 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. B18516 — \$248.00, for the original cost of paving the south one-half of Charlotte Avenue at the intersection of the north-south alley to be vacated.

The petitioner has also 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 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 conversion 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,
LOUIS W. KLEI
City Engineer

Approved:
JAMES W. WATTS
Director

By Council Member Collins:
Resolved, That all that part of the

north-south public alley, 20 feet wide, in the block bounded by Second, Cass, Temple and Charlotte abutting the rear line of Lots 6 to 8 inclusive of Block 83 of the Plat of part of the Cass Farm, Blocks 83 and 84, as recorded in Liber 1, Page 131, 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 poles 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 driveways and yards of the adjoining properties for ingress or egress at any time to and over said utility 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 or surface grade made, without prior