

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.

Resolved, That if at any time in the future it becomes necessary to remove the paved alley return at the entrance to the alley to be vacated, such removal and construction of new curb and sidewalk will be done under City permit and inspection with all costs borne by the petitioner.

Adopted as follows:

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

Nays — None.

#### Department of Public Works

February 18, 1983

Honorable City Council:

Re: Petition No. 399. Dakota Inn. Conversion to Easement of a portion of the East-West Public Alley in the Block Bounded by Arizona, Dakota, Brush and John R.

The above petition requests the conversion of the above described portion of east-west public alley, 18 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 with the recommendation that sufficient land be dedicated for a new alley outlet into Arizona Avenue. 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 depart-

ment and account named, for the purpose indicated:

Public Lighting Department — The petitioner will enter into an annual maintenance agreement for the lights located in the alley.

Department of Public Works — Permit Division, Receipt No. GR-24132 — \$1,996.00, a deposit to guarantee alley stoning and alley construction. The petitioner is asking permission to have the new alley done by private contract. If this is done, the above monies will be refunded.

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 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.

A Warranty Deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley outlet into Arizona Avenue. This deed was approved as to form and execution by the Law Department and as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

The petitioner has requested that due to the amount of work they are doing and that they have been in business at this location so long (over 50 years) that the original cost of paving the east half of John R. which is reimbursible, be waived by your Honorable Body. The cost is \$384.00. The Department of Public Works has no objection to the waiver.

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,

LOUIS W. KLEI

City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Hood:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Arizona, Dakota, John R. and Brush abutting the rear line of Lots 146 to 149 and the westerly 10 feet of Lot 150, and abutting the rear line of Lots 117 to 120 and the westerly 10 feet of Lot 121, all inclusive of the North Woodward Sub-



division of the west 909.52 feet of the southwest 1/4 of Section 12, T.1S., R.11E., Greenfield, Wayne County, Michigan as recorded in Liber 26, Page 70, 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 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.

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 if at any time in the future it becomes necessary to remove the paved alley return at the entrance to the above described alley such removal will be done under City permit and inspection with all costs borne by the petitioner; and further

Resolved, That the petitioner will enter into an annual maintenance agreement with the Public Lighting Department for maintenance of their facilities; and further

Resolved, That the Warranty Deed of the Dakota Inn, Deeding land to the City of Detroit for alley purposes being described as:

Land in the City of Detroit, Wayne County, Michigan being the easterly 20 feet of Lot 121 inclusive of the North Woodward Subdivision of the west 909.52 feet of the southwest 1/4 of Section 12, T.1S., R.11E., Greenfield, Wayne County, Michigan, as recorded in Liber 26, Page 70, Plats, Wayne County records,

Be and the same is hereby accepted, and the Finance Director is hereby directed to record said deed in the office of the Register of Deeds for Wayne County, and further

Resolved, That the reimbursible cost of paving the east one-half of John R. at the intersection with the alley to be vacated, said cost being \$384.00;

Be and the same is hereby waived.

Adopted as follows:

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

Nays — None.

#### Department of Public Works

February 17, 1983

Honorable City Council:

Re: Petition No. 1482. Request to encroach into the Public Easement