

Resolved, That the Finance Director be and is hereby authorized and directed to establish the necessary accounts and honor vouchers in accordance with the foregoing communication and the rules and regulations of the Michigan Department of Social Services.

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 3, 1983

Honorable City Council:
Re: Petitioner No. 5647. Boomer Land Corporation Vacation of a Portion of Garfield Avenue, between the Grand Trunk Railroad and St. Aubin.

The above petition request the vacation of the above portion of Garfield Avenue, 60 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:

An easement is reserved in the vacating resolution for the Detroit Edison Company, Public Lighting Department, Water and Sewerage and Fire Department for the maintenance of their installations located in the public right-of-way to be vacated.

The petitioner has agreed to enter into an annual maintenance agreement with the Public Lighting Department and has given them a check for \$305.34 for the first year's payment.

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 agreement 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

Department of Public Works
By Council Member Eberhard:
Resolved, That all that part of Garfield Avenue 60 feet wide between the Grand Trunk Railroad right-of-way and St. Aubin Avenue lying southerly of and abutting the southerly line of Lots 7 to 14 and the vacated 15 feet wide north-south alley which abuts the east-

erly line of Lot 14, and lying northerly of and abutting the northerly line of Lots 21 to 24, all inclusive of Potters Subdivision of the south 250.43 feet of Outlot 24, Whiterell Farm as recorded in Liber 10, Page 67, Plats, Wayne County records.

Be and the same is hereby vacated as a public street and is hereby converted into an 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 Detroit Edison Company, Public Lighting Department, Water and Sewerage Department and the Fire Department 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, 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 above described private utility company and City Departments,

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 enter into an annual maintenance agreement with the Public Lighting Department for the street lighting in the vacated portion of street.

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. 202. Arrow Overall Supply Company. Conversion to easement of the East-West Alley East of Helen between Palmer and East Grand Boulevard.

The above petition request the conversion of the above described public alley, 18.76 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, \$80.00, for the original cost of paving the east one-half of Helen Avenue at the intersection of the alley to be vacated.

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.

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

east-west public alley, 18.76 feet wide, east of Helen Avenue, between Palmer and East Grand Boulevard abutting lots 6 to 17 and the vacated alley between 6 and 17, all inclusive of Block 8, Brewer's Subdivision of the south 24 acres of the west 30 acres of P.C. 678, lying north of Gratiot Avenue, as recorded in Liber 11, Page 71, 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