

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 Department of Transportation has reported that the work necessitated by the street vacation will be billed to and paid for by Federal Project funds.

An easement is retained in the vacating resolution for the Water and Sewerage Department for the maintenance of their facilities.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said streets.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS

Director

By Council Member Collins:

Resolved, That all that part of Anglin Avenue, 50 feet wide, lying between and abutting East McNichols Avenue and Jerome Avenue is platted in the North Chene Street Subdivision of the easterly 403 feet of $\frac{1}{4}$ Section 2, 10,000 acre tract, Hamtramck (now Detroit, Wayne County, Michigan as recorded in Liber 16, Page 61, 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, for the Water and Sewerage Department 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 Water and Sewerage 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, 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 City Engineering Department.

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 utilities in said easement, such owners, upon whose property the 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

Adopted as follows:

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

Nays — None.

City Engineering Department

August 17, 1983

Honorable City Council:

Re: Petition No. 784, Joseph J. Gibrak, Jr. Conversion to Easement of the East-West Alley North of West Warren between Faust and Penrod.

The above petition requests the conversion of the above described 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. 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 Collins:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Faust, Penrod, West Warren and Sawyer lying north of and abutting the north line of Lots

330 to 336 all inclusive of "Westhaven", being a Subdivision of a part of the S.E. ¼ of Section 2, T.2S., R.10E., known as Lot 1 and E. ½ of Lot 2, of the survey and subdivision of the William Ruddiman Farm per plat recorded in Liber 735 of Deeds, Page 511, Dearborn Township (now Detroit) Wayne County, Michigan, as recorded in Liber 40, Page 75, 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 purposes 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 or 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 by the Department of Public Works.

Fourth, that if at any time in the future the owners of any lot 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, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

City Engineering Department

August 17, 1983

Honorable City Council:

Re: Petition No. 1133 — Robert Schweiger, Etal. Conversion to Easement of the East Half of the Alley in the Block Bounded by Mark Twain, Freeland, Mackenzie and Joy Road.

The above petition requests the conversion of the above described portion of public 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:

Intersection Fund, \$330.00 for the original cost of paving the west one-half of Freeland at the intersection of the 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 had agreed by letter filed with the original petition to