

design, construction, installation, alteration, inspection, testing, maintenance, operation, repairing, and licensing of personnel hoists in the City of Detroit to bring it into conformance with the 1981 American National Standards Institute safety requirements for personnel hoists, at which time all interested persons are invited to be present to be heard as to their views.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Mahaffey, Peoples, Ravitz and President Pro Tem. Hood — 7.

Nays — None.

City Engineering Department

September 12, 1983

Honorable City Council:

Re: Petition No. 951, St. Jerome's Church, et al. Conversion to Easement of Fayette Avenue, between Almeda and Eight Mile Road.

The above petition requests the conversion of the above described portion of Fayette Avenue, 50 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 named, for the purpose indicated:

Department of Transportation Receipt No. C 8845 \$20.00 for the estimated cost to remove the street signs from the portion of Fayette Avenue to be vacated. 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 Fayette Avenue, 50 feet wide, between Almeda and Eight Mile Road, abutting the westerly line of Lots 70 and 71 and abutting the easterly line of Lots 84, 1, 2 and the northerly 42.48 feet of Lot 3 all inclusive of the Little Garden Farms Subdivision of that part of the N.W. ¼ of N.E. ¼ of Section 2, T.1S., R.11E., Greenfield Township (now Detroit), Wayne County, Michigan, as recorded

in Liber 30, Page 67, 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 of 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 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

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Mahaffey, Peoples, Ravitz and President Pro Tem. Hood — 7.

Nays — None.