

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 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, and be it further

RESOLVED, That if at anytime in the future it becomes necessary to remove the paved street return at the entrance to the portion of Ormond 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, his heirs or assigns, and further

RESOLVED, That the proposed construction of new catch basins be waived, PROVIDED the petitioner, his heirs or assigns maintain the grade of the portion of vacated street to allow storm drainage to flow to the existing catch basins in that vacated portion, and in the event the grade is changed the necessary catch basins will be installed according to City of Detroit specifica-

tions with all costs borne by the petitioner, his heirs or assigns.

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Kelley, Mahaffey, Peoples and President Henderson — 6.

Nays — None.

#### City Engineering Department

June 28, 1984

Honorable City Council:

Re: Petition 1602 (1979), Boron Oil Company, (Now BP Oil Inc.), Acceptance of Deed.

On October 17, 1979 (J.C.C. Pages 2831 and 32) your Honorable Body granted the petition of the Boron Oil Company (now known as BP Oil Inc.) vacating a portion of the east-west public alley north of Clay, between Cameron and the Chrysler Freeway.

As a part of the conditions for the closing the Community and Economic Development Department directed that the petitioner deed to the City the necessary land for an alley turnaround.

The Petitioner has now forwarded the deed for the property. This deed was approved as to form and execution by the Corporation Counsel and as to description by the City Engineering Department.

An appropriate resolution accepting the dedication is attached for consideration by your Honorable Body.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Peoples:

Resolved, that in order to complete the conditions made necessary by petition of the Boron Oil Company (now BP Oil Inc.) No. 1602 (1979) granted on October 17, 1979 (J.C.C. Pages 2831 and 2832) the Quit Claim Deed of the Petitioner deeding land for alley purposes described as:

The westerly fifteen (15) feet of Lot 48 of Curry's Subdivision of Lots 13 and 14 of the Subdivision of Quarter Section 58, Ten Thousand Acre Tract, as recorded in Liber 9, Page 57, Plats, Wayne County records.

Be and the same is hereby accepted, and the Law Department is hereby directed to record said deed in the office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Kelley, Mahaffey, Peoples and President Henderson — 6.

Nays — None.

#### City Engineering Department

July 2, 1984

Honorable City Council:

Re: Petition No. 2269, Metropolitan Detroit Plumbing and Mechanical Con-

tractors Association, Conversion to Easement of the East-West Alley in the Block bounded by Carol, Lauder, Norfolk and West Eight Mile Road.

The above petition requests the conversion of the above described 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:

City Engineering—Intersection Fund, Receipt No. C-29362—520.00, for the original cost of paving the east one-half of Carol and the west one-half of Lauder at the intersection of the east-west alley to be vacated.

The petitioner has also requested that the paved returns at the entrance to the alley to be vacated remain in their 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 conversions of public right-of-way into easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Peoples:

RESOLVED, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Carol, Lauder, Norfolk and West Eight Mile Road abutting the rear line of Lots 224 to 236 all inclusive of the Division Heights Subdivision being part of the N.W. 1/4 of Section 6, T.1S., R.11E., Greenfield Township (now Detroit), Wayne County, Michigan as recorded in Liber 50, Page 36, 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 the 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 City Engineering Department.

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; and be it further

RESOLVED, That if at any time in the future it becomes necessary to remove the paved alley returns, such removal and construction of new curbs and walk will be done by private contract under City permit and inspection with all costs borne by the petitioner, his heirs, or assigns.

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Kelley, Mahaffey, Peoples and President Henderson — 6.

Nays — None.

#### City Engineering Department

June 29, 1984

Honorable City Council:

Re: Petition No. 2651, Theodore W. Russell, Conversion to Easement of the east-west alley north of West Warren, and between Stout and Heyden, and Approval of an Encroachment into said Vacated Alley.

The above petition requests the conversion of the above described alley and approval of an existing encroachment into the alley. 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 City Engineering Department finds that the request to maintain the existing encroachment with a stairwell and part of the house complies with the policy adopted by your Honorable Body on February 23, 1965, J.C.C. pages 348 and 349. An appropriate resolution is hereby made a part of the vacating resolution.

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.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Peoples:

Resolved, That all that part of the east-west public alley, 18 feet wide, north of West Warren Avenue, between Stout and Heyden Avenues abutting the rear line of Lots 76 to 81 all inclusive of Frischkorn's Parkdale Subdivision of the W. ½ of the E. ½ of the S.E. ¼ and part of the W. ½ of the S.E. ¼ of Section 3, T. 2 S., R. 10 E., Dearborn Township (now Detroit), Wayne County, Michigan as recorded in Liber 45, Page 36, 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,