

of the first Ombudsman.”; and

Whereas, The primary election on August 7, 1984 is the last regularly scheduled election in the City prior to the expiration of the Ombudsman's term in September, 1984, and

Whereas, The State Election Commission requires that this question be treated as a Charter amendment and comply with all of the requirements of State Law pertaining to the amendment of a City Charter; Now, Therefore, Be It

Resolved, That the Detroit City Council authorizes that this question be placed on the ballot of August 7, 1984; And Be It Further

Resolved, That the Detroit City Council directs its Division of Research and Analysis to draft the appropriate language for this ballot question and accompanying statement of intent and obtain the necessary approvals from the Governor and Attorney General.

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

**City Engineering Department**

May 3, 1984

Honorable City Council:

Re: Petition No. 2537, Community and Economic Development Department, Conversion to Easement of West Jefferson between Clark and Scotten.

The above petition requests the conversion of West Jefferson between Clark and Scotten into an easement for subsurface public utilities. The requested conversion into easement for subsurface 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 of an easement of said street 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 Peoples:

Resolved, That all that part of West Jefferson Avenue, variable width lying between and abutting the easterly line of Clark Avenue, 70 feet wide, and the westerly line of Scotten Avenue, 60 feet wide, as opened through Private Claim

583 and as platted in the Subdivision of Private Claim 563 for the heirs of J. B. Campau as recorded in Liber 1, Pages 94 and 95, Plats, Wayne County records;

Be and the same is hereby vacated as a public street and is hereby converted into a subsurface 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 a subsurface 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 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 Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.

Nays — None.