

**City Engineering
Department**

January 24, 1984

Honorable City Council:
Re: Petition No. 327, Difco Laboratories,
Conversion to Easement of Fifth
Avenue and Henry Street in the
area bounded by the Fisher Free-
way, Pine Street and Fourth Avenue.
The above petition requests the con-
version of the above described portions
of Fifth Avenue and Henry Street into
easements for public utilities. The re-
quested conversion into easements for
public utilities was approved by the
Community and Economic Development
Department, the petition was then re-
ferred to us for investigation and report.
Our report, accompanied by the original

petition is as follows: The petition has
made the following deposit with the
City Treasurer, which has been credited
to the departments and account named,
for the purpose indicated:

**City Engineering Department —
Intersection Fund:** Receipt No. A16639
\$524.00 for the original cost of paving
the intersecting streets at Fifth Avenue
and Henry to be vacated. The petitioner
has also requested that the paved return
at the entrance to Fifth Avenue at
Pine Street remain in its present status
as the petitioner plans to utilize same,
and has agreed by letter filed with the
original petition to pay all costs inci-
dental to the removal of same whenever
the discontinuance of use makes such
removal necessary.

An easement is reserved in the va-
cating resolution for the Michigan De-
partment of Transportation for the
maintenance of its installations located
in the public right-of-ways to be vacated.

All other involved City departments
and privately-owned utilities companies
reported that they have no objections
to the conversions of public right-of-
way into easements provided that
proper provisions are incorporated into
the vacating resolution protecting their
installations located there.

The adoption of the attached resolu-
tion is recommended.

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Hood:

Resolved, That all that Part of Henry
Street, 50 feet wide, lying between and
abutting the easterly line of Fifth Ave-
nue, 50 feet wide, and the westerly line
extended northerly of the 147 feet wide
north south alley first west of Fourth
Avenue; also

All that part of Fifth Avenue, 50 feet
wide, lying between and abutting the
northerly line of Fisher Freeway and
the southerly line of Pine Street.

All of the above appear in the follow-
ing subdivisions:
Blocks 13, 14, 15 and 16 of Crane
and Wesson's Section of the Forsyth
Farm between Chicago and Grand River
Roads, as recorded in Liber 44 Pages
10 and 11, Deeds, Wayne County records,

6-19

STATE OF MICHIGAN }
CITY OF DETROIT } SS.

I, JAMES H. BRADLEY, CITY CLERK of the City of Detroit, do hereby
certify that the annexed paper is a true copy of a Resolution

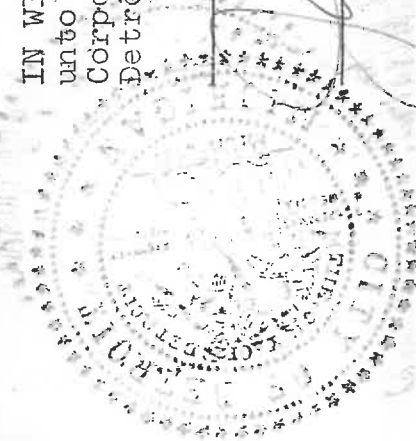
adopted by the City Council on **February 1, 1984**

and approved by the Mayor on **February 6, 1984**

as appears from the Journal of said City Council, or file in my office.

IN WITNESS WHEREOF, I have here-
unto set my hand and affixed the
Corporate Seal of said City, at
Detroit, on

March 9, 1984



James H. Bradley
City Clerk
JAMES H. BRADLEY

Blocks 64, 65 and 67 of the plat of
the Subdivision of Jones Farm, south
of the Grand River Road, as recorded
in Liber 1, Page 184, Plats, Wayne
County records.

Be and the same are hereby vacated
as public streets and are hereby con-
verted into public easements of the
full width of the streets, which ease-
ments shall be subject to the following
covenants and agreements, uses, reser-
vations and regulations, which shall be
observed by the owners of the lots
abutting on said streets and by their
heirs, executors, administrators and
assigns, forever to wit:

FIRST, said owners hereby grant to
and for the use of the public easements
or right of way over said vacated public
streets 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 easements for the purpose
above set forth.

SECOND, said owners for their heirs
and assigns further agree that no build-
ings or structures of any nature what-
soever including but not limited to con-
crete slabs or driveways, retaining or
partition walls (except necessary line
fence) shall be built or placed upon
said easements, nor any change or sur-
face 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 streets shall request
the removal and or relocation of any
existing poles or other utilities in said
easements, 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 Michigan Depart-
ment of Transportation shall have in-
gress and egress over the vacated por-
tion of the above described streets to
gain access to their service gate located
on the north line of the Fisher Freeway
at the approximate end of Henry, and
be it further

Resolved, That the Finance Depart-
ment be and it is hereby authorized
and directed to issue a Quit Claim deed
to the above described property and
the Law Department is directed to pre-
pare said deed.

Adopted as follows:
Yeas — Council Members (Cleveland,

SHORT FORM - TRUE COPY CERTIFICATE

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L121941 PA 788

Collins, Eberhard, Hood, Kelley, Mahaf-
ley, Peoples, Ravitz, and President Hen-
derson — 9.
Nays — None.

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RECORDED MAR 9 1984 AT 1156 A
FOREST E. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226