

prices as listed in accordance with the foregoing communication, designated as Contract or File Nos. 2522, 2815, 2898, 2976, 2980, 2998, 3192, 3209, 3219, 8431, 1817, 5845, and R44258, and further

Resolved, That renewals, extensions of, additions to, and changes in commodities and/or prices on contracts as recommended in the foregoing communication, designated, as Contract or File Nos. 1209 (PO B04597), 1209 (PO B04595), 1215 (PO B05606), 1474 (PO B06901), 1540 (PO B06910), 1612 (PO B07010), 1612 (PO B07009), 1612 (PO B07007), 2319 (PO C04026), 2833 (PO C05429), 60065 Change Order No. 8, 60065 Change Order No. 9, 60065 Change Order No. 10, 60065 Change Order No. 11, and 61666, be and the same are hereby approved.

Adopted as follows:

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

Nays — None.

Law Department

June 19, 1985

Honorable City Council:

Re: Petitions to Convert Alleys to Easements.

For your consideration, submitted herewith are seven (7) petitions requesting the conversion of alleys into easements in the City of Detroit.

The requested conversions into easements for public utilities were recommended by the Community and Economic Development Department upon prior investigation and report. For filing in the office of the City Clerk, please find report, petitions to vacate the public alleys, a sketch of the alley and Notice of the City Council hearing.

All other involved City Departments and privately owned utility companies have no objections to the conversion of the 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,

JOSEPH N. BALTIMORE,
Supervising Assistant
Corporation Counsel

By Council Member Cleveland:

Whereas, the following petitions have been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting the alleys as herein described, pursuant to the ordinance for the pur-

pose of determining the advisability of these alley vacations.

Now, Therefore, Be It

PETITION NO. 3299

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY BALFOUR, MC KINNEY, YORKSHIRE AND GRAYTON AVENUES;

RESOLVED, that all that part of an eighteen (18) foot wide section of alley running in a North/South direction, in the block bounded by BALFOUR, MC KINNEY, YORKSHIRE, AND GRAYTON AVENUES, abutting Lots 50 to 66, both inclusive, on the East of said alley and abutting Lots 67 to 83, both inclusive, on the West of said alley, in the JACOB YOUNG'S HOUSTON AVENUE SUBDIVISION, of Parcel No. 5 of the plat of Commissioners on partition of the Estate of Joseph Young, deceased, of part of Lot 7 of Subdivision of back concession of private Claim 258, Lots 1, 2, 3 & 4 of the subdivision, of the Southeast ½ of additional donation to Private Claims 584 & 261, part of the Northwest ½ of additional donation to Private Claims 584 and 261, lot 6 and the Northwest ½ of lot 4 of Subdivision of back concession of Private Claims 262 & 272, Gratiot Township, Wayne County, Michigan, as recorded in Liber 46, Page 95 of Plats, Wayne County, Records;

PETITION NO. 3341

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY WHITCOMB, SUSSEX, MARGARETA AND CLARITA AVENUES;

RESOLVED, that all that part of an eighteen (18) foot wide section of alley running in a North/South direction, in the block bounded by WHITCOMB, SUSSEX, MARGARETA AND CLARITA AVENUES, abutting Lots 1802 to 1816, both inclusive, on the East of said alley, and abutting Lots 1817 to 1831, both inclusive, on the West of said alley, in the BLACKSTONE PARK SUBDIVISION NO. 2, of the North ½ of the Northwest ¼ of Section 7, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 49, Page 47 of Plats, Wayne County Records;

PETITION NO. 3379

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY FIELDING, STOUT, LYNDON AND EATON AVENUES;

RESOLVED, that all that part of an sixteen (16) foot wide section of alley running in a North/South direction, in the block bounded by FIELDING, STOUT, LYNDON AND EATON AVENUES, abutting Lots 631 to 650, both inclusive, on the West of said alley, and abutting Lots 663 to 682, both inclusive, on the

East of said alley, in the B. E. TAYLOR'S BRIGHTMOOR SUBDIVISION NO. 2, lying South of Grand River Avenue, being a part of the Northeast $\frac{1}{4}$ Section 22, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 44, Page 35 of Plats, Wayne County Records;

PETITION NO. 3381

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY MANSFIELD, RUTHERFORD, PICKFORD AND MARGARETA AVENUES;

RESOLVED, that all that part of an eighteen (18) foot wide section of alley running in a North/South direction, in the block bounded by MANSFIELD, RUTHERFORD, PICKFORD AND MARGARETA AVENUES, abutting Lots 265 to 279, both inclusive, on the East of said alley, in the COLLEGE DRIVE SUBDIVISION, a subdivision of a part of the Northeast $\frac{1}{4}$ of Section 12, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 48, Page 34 of Plats, Wayne County Records; Also, abutting Lots 437 to 451, both inclusive, on the West of said alley in the COLLEGE DRIVE SUBDIVISION OF SCHLANGER'S SUBDIVISION, and Out Lots A and B of College Drive, a part of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 12, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 53, Page 51 of Plats, Wayne County Records;

PETITION NO. 3450

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY MINOCK, WESTWOOD AND LYNDON AVENUES AND STOEPEL PARK NO. 1;

RESOLVED, that all that part of a twenty (20) foot wide section of alley running in an East/West direction, in the block bounded by MINOCK, WESTWOOD AND LYNDON AVENUES AND STOEPEL PARK NO. 1, abutting the East twenty (20) feet of Lot 54 and the West 20 feet of Lot 69, on the North of said alley and Lots 75, 76 and 77 on the South of said alley in the B. E. TAYLOR'S BRIGHTMOOR-MOREL SUBDIVISION, lying South of Grand River Avenue, being part of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 23, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 50, Page 50 of Plats, Wayne County Records;

PETITION NO. 3461

CONVERSION TO EASEMENT OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY LANARK, FORD FREEWAY, WOODHALL AND MORANG AVENUES;

RESOLVED, that all that part of an eighteen (18) foot wide section of alley running in an East/West direction, in the block bounded by LANARK, FORD FREEWAY, WOODHALL AND MORANG AVENUES, abutting Lots 1208 to 1223, both inclusive, on the North of said alley, and abutting Lots 1230 to 1243, both inclusive, on the South of said alley in the YORKSHIRE WOODS SUBDIVISION NO. 6, of parcel 1 of the plat of Commissioners on partition of the estate of Joseph Young, deceased of part of Lot 7 of Subdivision of back concession of Private Claim 258, Lots 1, 2, 3 and 4 of the subdivision of the Southeast $\frac{1}{2}$ of additional donation to Private Claim 584 and 261, part of the Northwest $\frac{1}{2}$ of additional donation to Private Claim 584-261, lot 6 and the Northwest $\frac{1}{2}$ of lot 4, of subdivision of back concession of Private Claim 262-272, as described in Liber 1559 Page 328 of Deeds, Gratiot Township, Wayne County, Michigan, as recorded in Liber 49, Page 2 of Plats, Wayne County Records;

PETITION NO. 3506

CONVERSION TO EASEMENT OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY STRATHMOOR, MARK TWAIN, MIDLAND AND PILGRIM AVENUES;

RESOLVED, that all that part of an eighteen (18) foot wide section of alley running in an North/South direction, in the block bounded by STRATHMOOR, MARK TWAIN, MIDLAND AND PILGRIM AVENUES, abutting Lots 48 to 64, both inclusive, on the West of said alley, and abutting Lots 65 to 81, both inclusive, on the East of said alley in the NATIONAL GARDENS SUBDIVISION, a subdivision of the South 20 acres of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 40, Page 60 of 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 easement or right-of-way over said vacated public alley hereinabove described for the purpose 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 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 fences) 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 lots abutting on said vacated alley 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 3, 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 City Clerk shall,

within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds, and shall send a certified copy to the State Treasurer, and shall further transmit a copy of this resolution to the City Engineer, to the Law Department and to the Department of Public Works; and be it further

RESOLVED, that upon the receipt of a copy of the resolution, the Law Department shall notify the owners of the property abutting on such alleys or portions thereof, and other necessary parties, that the alleys or portions thereof have been vacated and converted in easements for utilities; and be it further

RESOLVED, that upon the receipt of a copy of the resolution, the City Engineer shall correct the official city maps and records; and be it further

RESOLVED, that upon the receipt of a copy of the resolution, the Department of Public Works shall adjust its garbage and refuse collection services accordingly.

Approved:

DONALD E. PAILEN

Corporation Counsel

By: ABIGAIL ELIAS

Deputy Corporation Counsel

Adopted as follows:

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

Nays — None.

Law Department

June 20, 1985

Honorable City Council:

Re: Zenita Williams, by her duly appointed Next Friend, Patricia Williams and Patricia Williams, Individually, Case No. 84-426 414 NO, File No. 83-9618.

Representation by the Law Department of the City employees listed below is hereby recommended, as we concur with the recommendation of the Head of the Department and believe that the City Council should find and determine that the suit against the defendants arises out of or involves the performance in good faith of the official duties of such defendants.

Defendants: George Wrathell, James Tolbert, John Pawlina.

Respectfully submitted,

FRANK W. JACKSON III

Director of Litigation

Approved:

ABIGAIL ELIAS,

Deputy Corporation Counsel

By Council Member Cleveland:

Resolved, that the Law Department is hereby authorized under the provision of Chapter 13, Article XI of the