

March 12

AT&T Communications a fiber optic cable beneath various City streets that intersect Chessie System Railroad right-of-way from Otis Street through the City of Detroit to Plymouth, Michigan as follows:

Grade crossings — bore and jack 2 to 4 inch steel casings; 35 locations: Otis Street, Buchanan Street, Nowak Street, McGraw Avenue, Warren Avenue, Tireman Avenue, Vancouver Avenue, Linsdale Avenue, Joy Road, Livernois Avenue, Stoppel Avenue, Monica Avenue, Burnette Avenue, Westfield Avenue, Prairie Avenue, American Avenue, Brynden Avenue, West Chicago Boulevard, Oakman Boulevard, Northlawn Avenue, Ohio Avenue, Wyoming Avenue, Washburn Avenue, Ilene Avenue, Griggs Avenue, Birwood Avenue, Mendota Avenue, Manor Avenue, Meyers Road, Steel Avenue, Ward Avenue, Littlefield Avenue, Schaefer Highway, Hubbell Avenue, Burt Road.

Provided, Said installations shall be by jacking and boring with 2 to 4 inch steel pipe casing under the street grade crossings at approximately 40 inches deep and 9 feet (varies) from Chessie System Railroad tracks. Furthermore, said installations shall be according to AT&T Communications Interstate Division Central Region drawing numbers GR-1 to GR-38, dated November 15, 1985 (supplied by petitioner). Also, said street grade installations shall be done under City permits and inspection with all costs borne by the petitioner or their assigns; and

Provided, Said installation is according to the specifications of the Public Lighting Department, the minimum vertical (one foot) and horizontal (3.5 feet) clearance requirements of the Water and Sewerage Department, and the minimum vertical clearance (3 feet) and hand-digging specifications of the Detroit Edison Company as stated in the preamble; and

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the permittee's expense in the Office of the Register of Deeds for Wayne County; and

Provided, That petitioner file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims which may arise therefrom; and

Provided, That no right in the public streets shall be considered waived by this permission which is granted expressly on the condition that the obstruction in connection therewith shall be removed at the expense of the grantee at any time when so directed by the City Council; and

Provided, If it becomes necessary to repair or replace the utilities located or to be located in said streets, by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Department at the owner's expense; and

Provided, That this resolution is revocable at the will, whim or caprice of the City Council, and the grantees by the acceptance of this permission waive any right to claim damages for compensation for any structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein; and

Provided, That the petitioner apply to and become a participating member of the "Miss Dig" organization; and further

Provided, That any permits necessary to work in the rights-of-way under the jurisdiction of the State of Michigan and Wayne County be obtained from the Michigan Department of Transportation and the Wayne County Offices of Public Services.

Adopted as follows:

Yeas — Council Members Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 6.

Nays — None.

City Engineering Department

March 5, 1986

Honorable City Council:

Re: Petition No. 3180, Monier Khalil conversion to easement of a portion of north-south alley in the block bounded by Rosa Parks Boulevard, Harrison, Michigan and Kaline Drive.

The above petition requests the conversion of a portion of the north-south public alley, 14 feet wide, in the block bounded by Rosa Parks Boulevard, Harrison and Michigan Avenues, and Kaline Drive 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 referred to us for investigation and report. Our report accompanied by the original petition is as follows:

The petitioner plans to utilize the paved alley return entrance and requests such remain in its present status. Also, by filed letter the petitioner has agreed to pay all incidental remov-

al costs whenever discontinuance of use makes removal necessary.

All involved City departments and privately-owned utility companies reported they have no objection to the conversion of public right-of-way into easement provided provisions are incorporated into the vacating resolution protecting their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
 Director

By Council Member Ravitz:

Resolved, That all that part of the north-south public alley, 14 feet wide, in the block bounded by Rosa Parks Boulevard, Harrison and Michigan Avenues, and Kaline Drive lying west of and abutting the west line of Lots 67 to 72 of "Crane and Wesson's Section of Jones Farm, so-called, being a subdivision of Lots 5 and 6 in the plat of the division between the heirs of Louis Lignon on the Lignon Farm, so-called, lying North of the Chicago Road and known as Private Claim 27 confirmed to Jacques Peltier" as recorded in Liber 2, Page 5 of Plats, Wayne County Records; also lying east of and abutting the east line of Lot 4, Block 5 of the "Plat of part of the Cabacier Farm lying north of the Chicago Road, (Michigan Avenue) as divided into lots for D. Thompson Proprietor", as recorded on May 6, 1852, in Liber 44, Page 453 and Liber 45, Page 180 of Deeds, 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 herein above 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 herein above described shall be forever accessible to the maintenance and inspection forces of the utility com-

panies, 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, 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 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 the 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 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 if it becomes necessary to remove the paved alley return at the alley entrance, such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, his heirs or assigns.

Adopted as follows:

Yeas — Council Members Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 6.

Nays — None.