

We respectfully recommend that your Honorable Body concur with this action and have the cost assessed against the property.

Respectfully submitted,
CREIGHTON C. LEDERER
 Director

By Council Member Ravitz:

Resolved, That in accordance with the foregoing communication, the City Engineering Department is hereby authorized and directed to take emergency measures to have the dangerous building at 3131 Waring removed, and to have the cost assessed against the property.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahafey, Peoples, Ravitz and President Henderson — 9.

Nays — None.

**Buildings and Safety
 Engineering Department**

May 21, 1986

Honorable City Council:

Re: 2649 Hart.

In response to the request for a rescission of the demolition order on the above property, we submit the following information.

Our last inspection on April 4, 1986 found the building still open to trespass. Therefore, we respectfully recommend that the demolition order remain in effect.

The petitioner has been advised to submit an inspection fee, together with the completed application for a reinspection to verify the allegations in the petition. Upon receipt of the request and reinspection fee, we will evaluate the condition of the property and base our recommendation, relative to a deferral, on the condition of the property at the time that the reinspection is made.

The petitioner is advised to immediately contact the Buildings and Safety Engineering Department at 224-3239 to initiate the above process.

Respectfully submitted,
CREIGHTON C. LEDERER
 Director

By Council Member Ravitz:

Resolved, That in accordance with the foregoing communication, the demolition order of March 5, 1986 relative to dangerous structure at 2649 Hart, only, be and the same shall hereby remain in effect, unless and until petitioner chooses to submit reinspection fees, at which time a re-evaluation will be made of said structure.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaf-

ey, Peoples, Ravitz and President Henderson — 9.

Nays — None.

City Engineering Department
 May 16, 1986

Honorable City Council:

Re: Petition No. 3991 (5627), Art Brockman, Inc., Requested outright vacation of the east-west public alley second north of Joy Road, east of Mark Twain; also requested conversion to easement of a portion of east-west public alley south of Joy Road, east of Freeland.

The above petitions request the outright vacation of an east-west public alley, 20 feet wide, second north of Joy Road, east of Mark Twain Avenue; also the conversion to easement of a portion of east-west public alley, 20 feet wide, south of Joy Road, east of Freeland Avenue.

The requested outright vacation and conversion to easement were approved by the Community and Economic Development Department. The petitions were referred to us for investigation and report. Our report accompanied by the original petition(s) is as follows:

The petitioner plans to utilize the paved alley return entrance (into Freeland Avenue) and requests such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

All other involved City departments and privately-owned utility companies reported they have no objection to the proposed vacation and conversion to easement or they have reached satisfactory agreements with the petitioner regarding their installations therein.

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

Respectfully submitted,
CLYDE R. HOPKINS
 Director

By Council Member Ravitz:

Resolved, That all that part of the east-west public alley, 20 feet wide, second north of Joy Road, east of Mark Twain Avenue having been deeded for public alley purposes as part of the City Council resolution adopted on December 6, 1955 in the Journal of the City Council pages 2532 to 2533, said land being described as: "Part of Lot 3 of Beahmer's Subdivision of Sections 6 and 31, Town 1 South, Range 11 East, Greenfield Township, according to the plat recorded in Liber 19, Page 24 of Plats, Wayne County Records, described as commencing at the intersection of the west line of Lot 48 of Karnatz Bonaparte Subdivision as recorded in Liber

55, Page 29 of Plats, Wayne County Records, with the south line of said Lot 3 and proceeding due north 20 feet, thence in a westerly direction parallel with the south line of said Lot 3 a distance of 167 feet more or less, to the west line of the property deeded by Ferdinand Porath, Jr. and Eva R. Porath, his wife, to party of the first part by deed dated November 5, 1953, recorded November 5, 1953, in Liber 11912, Page 322, Wayne County Records, said west line being the center line of Mark Twain Avenue if extended, thence South 0 degrees 00 minutes 35 seconds West, along said west line to the south line of Lot 3, thence North 89 degrees 59 minutes 35 seconds East, along the south line of said Lot 3 to the place of beginning;"

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property; and further

Resolved, That all that part of the east-west public alley, 20 feet wide, south of Joy Road, east of Freeland Avenue lying southerly of and abutting the south line of Lots 76 to 80 and the west 4.9 feet of Lot 81, also lying northerly of and abutting the north line of Lot 53 all inclusive of Cumberland Investment Company's Bonaparte-Chase Subdivision of part of Northwest Quarter of Northeast Quarter of Section 6, Town 2 South, Range 11 East, City of Detroit, Wayne County, Michigan as recorded in Liber 59, Page 23, 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 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 compan-

ies, 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 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 if it becomes necessary to remove the paved alley return at the alley entrance (into Freeland Avenue) 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 Cleveland, Collins, Eberhard, Hood, Kelley, Mahafey, Peoples, Ravitz and President Henderson — 9.

Nays — None.