

August 5

alley return entrance and requests such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,

CLYDE R. HOPKINS,

Director

By Council Member Cleveland:

Resolved, That all of the north-south public alley, 20 feet wide, in the block bounded by Trumbull Avenue, Eighth, Leverette and Church Streets, and Michigan Avenue platted as the westerly 20.00 feet of the easterly 25.00 feet of Lot 12, Block 79, of the Plat of Woodbridge Farm as divided by the Commissioners, City of Detroit, Wayne County, Michigan as recorded in Liber 1, Pages 146 and 147, Plats, Wayne County Records; said public alley having been deeded to the City of Detroit (October 3, 1967 J.C.C. pages 2311 to 2312);

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 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 and egress at any time to and over said utility easement 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, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, that if any utility 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

Provided, That if it becomes necessary to remove the paved alley return at the 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, their heirs or assigns; and

Provided Further, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Mahaffey, Peoples, Ravitz, and President Henderson — 6.

Nays — None.

**City Engineering Department**

July 15, 1987

Honorable City Council:

Re: Petition No. 4331, Turri's Italian Foods, Inc., Conversion to easement

of portion of north-south public alley in the block bounded by Conner, Gratiot, Rosemary and Charlemagne. Petition No. 4331 of Turri's Italian Foods, Inc. requests the conversion of the north-south public alley, 18 feet wide, in the block bounded by Conner, Gratiot, Rosemary and Charlemagne Avenues into an easement for public utilities.

The requested conversion into a public utility easement was approved by the Community and Economic Development Department. The Petition was referred to the City Engineering Department for investigation and report. This is our report:

The petitioner plans to use the paved alley return entrances and requests such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
CLYDE R. HOPKINS

Director

By Council Member Cleveland:

Resolved, That all that part of the north-south public alley in the block bounded by Conner, Gratiot, Rosemary and Charlemagne Avenues lying easterly of and abutting the east line of Lot 112, also lying westerly of and abutting the west line of the south 12.12 feet of Lot 115, Lots 113 and 114 of "David Trombly Estates Subdivision No. 1" of Lot 3 and Southerly part of Lot 4 of Plat of Thomas Trembly Farm Private Claim 389 recorded in Liber 290 of Deeds, Page 257, Gratiot Township", City of Detroit, Wayne County, Michigan as recorded in Liber 38, Page 17, 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 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 and egress at any time to and over said utility easement 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, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

FIFTH, that if any utility 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

PROVIDED, That if it becomes necessary to remove the paved alley return at the entrance, such removal and construction of new curb and sidewalk shall be done under City permit and inspec-

tion according to City Engineering Department specifications with all costs borne by the petitioner, their heirs or assigns; and

PROVIDED FURTHER, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Mahaffey, Peoples, Ravitz, and President Henderson — 6.

Nays — None.

### City Engineering Department

July 20, 1987

Honorable City Council:

Re: Petition No. 333. Richard Nick. Request to temporary close portion of Anna in the area bounded by Greeley, Knox, Gillett and Holbrook.

Petition No. 333 of Richard Nick requests the temporary closing of portion of Anna Avenue, 40 feet wide, in the area bounded by Greeley, Knox, Gillett Streets and Holbrook Avenue.

The request was approved by the Community and Economic Development Department with certain restrictions. The City Planning Commission has concurred with the recommendations of the Community and Economic Development Department.

The Public Lighting Department will require the petitioner to pay all expenses to reinstall street light(s), if the street is reopened for public use.

The Water and Sewerage Department will require unimpeded access to existing sewer and water mains. Any fence and gate installation must provide 13 feet horizontal and 13 feet vertical clearance(s) for maintenance vehicles.

The Detroit Edison Company will require a joint-locking-agreement, if gates are to be locked.

All other City departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities.

An appropriate resolution containing the necessary conditions is attached for consideration by your Honorable Body.

Respectfully submitted,  
CLYDE R. HOPKINS,  
Director

By Council Member Cleveland:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to Richard Nick to close a portion of Anna Avenue, 40 feet wide, in the area bounded by Greeley, Knox, Gillett Streets and Holbrook Avenue lying southerly of and abutting the south line of the west 12.71 feet (as

measured along said south line) of Lot 7, the east 21.78 feet (as measured along said south line) of Lot 10, Lots 8 and 9; also lying northerly of and abutting the north line of Lots 11 to 13 of "Russell and Bigelow's Subdivision" of part of the East Half of Quarter Section 43, Ten Thousand Acre Tract, Hamtramck Township, City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 27, Plats, Wayne County Records; on a temporary basis to expire on August 1, 1992;

Provided, The petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public street closing; and

Provided, The permit shall be issued after the petitioner has recorded a certified copy of this resolution with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs; and

Provided, The property owned by the petitioner and adjoining the temporary public street closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the street; and

Provided, No building or other structure (except necessary line fence) shall be constructed on or over the street. The petitioner shall observe the rules and regulations of the City Engineering Department. The City of Detroit retains all rights and interests in the temporarily closed public street. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public street. Further, the petitioner shall comply with all specific conditions imposed to insure unimpeded 24-hour-per-day access to the City and utility companies; and

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Department by the petitioner at the petitioner's expense; and

Provided, The petitioner's fence and gate installation shall provide 13 feet horizontal and 13 feet vertical clearance(s) for utility maintenance vehicles; and