

quit-claim deed to transfer converted public right-of-way to the petitioner.

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 Mahaffey:

Resolved, All that part of Theodore Avenue, 50 feet wide, west of St. Aubin Avenue lying easterly of and abutting the west line of the Grand Trunk Railroad right-of-way (60 feet wide; said railroad right-of-way being part of the Subdivision of the Rear of the A. Dequindre Farm, Private Claims 8 and 17, City of Detroit, Wayne County, Michigan, as recorded in Liber 15, Page 348, City Records); also lying westerly of and abutting the east line of that part of Outlot 27 of the Subdivision of Private Claim 90 by Heirs of James Witherell, City of Detroit, Wayne County, Michigan, as recorded in Liber 34, Page 2, Deeds, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 street 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 street 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 street 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 street 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, with prior approval of the City Engineering Department.

Fourth, that if the owners of any lots abutting on said vacated street 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 a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs; and be it further

Resolved, The Finance Director is hereby directed to execute a quit-claim deed to transfer the herein above converted public right-of-way to the Grand Trunk Railroad.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Kelley, Mahaffey, Peoples, Ravitz, and President Pro Tem. Hood — 8.

Nays — None.

**City Engineering Department**  
October 16, 1987

Honorable City Council:

Re: Petition No. 957. Ajax Metal Processing Company. Requesting out-right vacation of remaining public utility easements; portions of the

north-south and east-west alleys in the block bounded by Beaufait, Bellevue, Gratiot and E. Forest.

Petition No. 957 of Ajax Metal Processing Company requests the outright vacation of the remaining utility easements in portions of the north-south (public) alley, 10 feet wide, and the east-west (public) alley, 20 feet wide in the block bounded by Beaufait, Bellevue, Gratiot and E. Forest Avenues.

The requested easements to vacation were 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:

Detroit Edison and Michigan Bell Telephone have reached agreements with the petitioner for "private easements" to service area customers. Satisfactory arrangements have been made with all other City departments and privately-owned utility companies.

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

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Mahaffey:

Resolved, That all of the public utility easements retained by the City Council resolution adopted on August 31, 1977 J.C.C. pages 1883 and 1884 for the vacation of portions of the north-south public alley, 10 feet wide, and the east-west public alley, 20 feet wide in the block bounded by Beaufait, Bellevue, Gratiot and E. Forest Avenues, described as:

All that part of the north-south public alley, 10 feet wide, not previously vacated south of Forest Avenue, between Beaufait and Bellevue Avenues abutting the rear line of the north 20.00 feet of Lot 16, Lots 17 and 18 of "Heffron's Subdivision of Lots 6 and 7, Beaufait Farm, north of Gratiot Street," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 35, Plats, Wayne County Records; also

All that part of the east-west public alley, 20 feet wide, south of Forest Avenue and west of Bellevue Avenue, having been opened on April 24, 1956 (J.C.C. page 756) and having been platted as the north 20.00 feet of Lot 16 of "Heffron's Subdivision of Lots 6 and 7, Beaufait Farm, north of Gratiot Street," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 35, Plats, Wayne County Records;

Be and the same are hereby vacated as public utility easements to become a part and parcel of the abutting property; and further

Provided, 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, Collins, Eberhard, Kelley, Mahaffey, Peoples, Ravitz, and President Pro Tem. Hood — 8.

Nays — None.

### City Engineering Department

October 16, 1987

Honorable City Council:

Re: Petition No. 3083. Edward A. Street, et al (Ann-Mark Company) Conversion to easement of the east-west public alley in the block bounded by Omira, Chrysler Freeway, Lantz and State Fair.

Petition No. 3083 of Edward A. Street, et al (Ann-Mark Company) requests the conversion of the east-west public alley, 16 feet wide, in the block bounded by Omira Avenue, Chrysler Freeway, Lantz and State Fair 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 has deposited with the City Treasurer the following city department reimbursement cost:

City Engineering Department — Intersection Fund: \$202.00. Receipt No. C-12316. For the original cost of paving the east one-half of Omira at the public alley intersection.

The petitioner plans to use the paved alley return entrance and request 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 Mahaffey:

Resolved, That all that part of the east-west public alley, 16 feet wide, in the block bounded by Omira Avenue, Chrysler Freeway, Lantz and State Fair Avenues lying southerly of and abutting the south line of the west 10.00 feet of Lot 371, Lots 372 to 375; also lying northerly of and abutting the north line