

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 said owners 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 said owners 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 (Parker Avenue) 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; and be it further

Resolved, That the warranty deed of Mount Zion Missionary Baptist Church, Incorporated, a Michigan Ecclesiastical Corporation, deeding land to the City of Detroit for a new alley outlet into Van Dyke Avenue, being described as:

Land in the City of Detroit, Wayne County, Michigan, being the south 20.00 feet of Lot 13 of "Thomas and Cameron's Subdivision of Lots No. 28, 29, 30, 31 and 32, Van Dyke Farm", Private Claims 100 and 679, Hamtramck Township, City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 59, Plats, Wayne County Records;

Be and the same is hereby accepted, and the Law Department is directed to record the deed with the Wayne County Register of Deeds; subject to these conditions:

Provided, The petitioner shall relocate the public sewer (by private contract) through the herein above described dedicated property into Van Dyke Avenue. This work shall be performed in accord with the City Council resolution(s) adopted on April 8, 1987 (J.C.C. pages 724 to 725; revised July 29, 1987 — Petition No. 41A; L.S. #7366); and

Provided, The petitioner shall construct a new concrete alley approach at the entrance of said dedicated public alley; also to stone and grade the new alley according to City permits, inspection and specifications within 120 days of the date of passage of this resolution. The petitioner shall pay all expenses.

Adopted as follows:

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

Nays — None.

City Planning Commission

July 29, 1987

Honorable City Council:

Re: (Petition #682) R. A. Fitzpatrick Construction Corp., 18445 Weaver Ave. Conversion to easement of portion of Faust, west of Weaver.

The R. A. Fitzpatrick Construction Corp. has requested Your Honorable Body to approve the above-noted conversion of a portion of Faust Ave. into an easement for public utilities. If this request is approved, the petitioner plans to use the paved street return entrance and requests such remain in its present status. The petitioner is making this request to eliminate problems related to trash dumping and illegal crossing of

the railroad tracks and associated problems.

Our site review indicates that Faust Ave., from Weaver west to the C&O Railroad, is currently used as a parking lot for this and surrounding businesses. CEDD has indicated to the City Engineering Department no objection to the conversion of public right-of-way into a utility easement.

In our opinion, this closing will act to consolidate property and address parking, trash and vandalism concerns. For these reasons, staff recommends that this request be granted subject to the provisions of the resolution as provided by the City Engineering Department.

Respectfully submitted,
MARSHA S. BRUHN
Director

City Engineering Department

July 21, 1987

Honorable City Council:

Re: Petition No. 682. R. A. Fitzpatrick Construction Corp., 18445 Weaver Avenue. conversion to easement of portion of Faust, west of Weaver.

Petition No. 682 of R. A. Fitzpatrick Construction Corporation requests the conversion of a portion of Faust Avenue, 60 feet wide, west of Weaver Avenue 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 street 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 Mahaffey:

Resolved, That all that part of Faust Avenue, 60 feet wide, west of Weaver Avenue lying southerly of and abutting the south line of Lot 488; also lying northerly of and abutting the north line of Lot 489 of "Emerson Park" a subdivision of part of the Northeast Quarter of Section 35, Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan as recorded in Liber 55, Page 45, Plats, 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 an 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, without 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.