

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 fences) shall be built or placed upon said licensed land, nor any change of surface grade made, without prior approval by the Department of Public Works.

Fourth, that if at any time in the future the owners of any lots abutting on said licensed land shall request the removal and/or relocation of any existing poles or other utilities in said easements, such owners, upon whose property the poles 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 the City Clerk shall, within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds, and shall send a certified copy to the State Treasurer, and shall further transmit a copy of this resolution to the City Engineer, to the Law Department and to the Department of Public Works; and be it further

Resolved, that upon the receipt of a copy of the resolution, the Law Department shall notify the owners of the property abutting on such alley or portions thereof, and other necessary parties, that the alley or portions thereof have been subject to the license and converted in easements for utilities; and be it further

Resolved, that upon the receipt of a copy of the resolution, the City Engineer shall correct the official city maps and records; and be it further

Resolved, that upon the receipt of a copy of the resolution, the Department of Public Works shall adjust its garbage and refuse collection services accordingly.

Approved:

DONALD PAILEN

Corporation Counsel

By: ABIGAIL ELIAS

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members Butler, Collins, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

Law Department

March 13, 1990

Honorable City Council:

Re: Petitions to Convert Alleys to Easement.

For your consideration, submitted herewith are six (6) petitions requesting the conversion of alleys into easements in the City of Detroit.

The requested conversions into easements for public utilities were recommended by the Community and Economic Development Department upon prior investigation and report. For filing in the office of the City Clerk, please find reports, petitions to vacate the public alleys, sketches of the alleys and Notice of the City Council hearing.

All other involved City Departments and privately owned utility companies have no objections to the conversion of the public right-of-ways into easements provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

BEVERLY J. HAYES

Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN

Corporation Counsel

By: ABIGAIL ELIAS

Deputy Corporation Counsel

By Council Member Eberhard:

Whereas, the following petitions have been filed with the City Council, signed by not less than two-thirds of the owners of properties respectively abutting the alleys as herein described, pursuant to the ordinance for the purpose of determining the advisability of these alley vacations.

Now Therefore, Be It Resolved:

Petition No. 2948

Conversion to Easement of the North/South Alley in the Block Bounded by Marlowe, Lauder, Pilgrim and Puritan Avenues:

That all that part of a sixteen (16) foot wide section of public alley running in a North/South direction, in the block bounded by Marlowe, Lauder, Pilgrim and Puritan Avenues, abutting Lots 71 to 85, both inclusive, on the West of said alley and Lots 86 to 100, both inclusive, on the East of said alley, in the Van Fletern Subdivision, of the North ½ of the Northeast ¼ of Section 18, Town 1 South, Range 11 East, Greenfield Township, Wayne County, Michigan, as recorded in Liber 39, Page 26 of Plats, Wayne County Records;

Petition No. 2969

Conversion to Easement of the East/West Alley in the Block Bounded by Wilf-

red. Chalmers, Glenfield and Newport Avenues.

That all that part of an eighteen (18) foot wide section of public alley running in an East/West direction, in the block bounded by Wilfred, Chalmers, Glenfield and Newport Avenues, abutting Lots 2 to 11, both inclusive, on the Southwest of said alley and Lots 12 to 21, both inclusive, on the Northeast of said alley, in the Lang Little Farm Subdivision, of Lot 3 Joseph Lang Estate Subdivision of Lots 10 and 11 of the Subdivision of the Joseph Trombly Farm of part of P.C. 389 also part of Fractional Section 13, Town 1 South, Range 12 East, Liber 25, Page 12, City of Detroit, Wayne County, Michigan, as recorded in Liber 40, Page 63 of Plats, Wayne County Records;

Also, abutting Lots 9 to 14, both inclusive, on the Southwest of said alley and Lots 12 to 20, both inclusive, on the Northeast of said alley in the Glenfield Subdivision, of Lot 2 of Joseph Lang Estate Subdivision of Lots 10 and 11 of the Subdivision of Joseph Trombly Farm of part of P.C. 389, also part of Fractional Section 13, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 44, Page 40 of Plats, Wayne County Records;

Petition No. 2993

Conversion to easement of the East/West alley in the block bounded by Eastburn, Anvil, Fairmount and Hoyt Avenues;

That all that part of the eighteen (18) foot wide section of public alley running in an East/West direction, in the block bounded by Eastburn, Anvil, Fairmount and Hoyt Avenues, abutting Lots 1545 to 1560, both inclusive, on the South of said alley and Lots 1561 to 1576, both inclusive, on the North of said alley, in the Drennan and Seldon's Regent Park #3 Subdivision, of the East 1/2 of the Northwest 1/4 of Section 1, Town 1 South, Range 12 East, City of Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 88 of Plats, Wayne County Records;

Petition No. 3171

Conversion to easement of the North/South alley in the block bounded by Gilbert, Morse, Cicotte and Perkins Avenues;

That all that part of a ten (10) foot wide section of public alley running in a North/South direction, in the block bounded by Gilbert, Morse, Cicotte and Perkins Avenues, abutting that portion of Lots 89 to 91, both inclusive, lying between the North line of Morse and the Southline of the East/West alley North of Morris in the Markeys Subdivision, of the Eastern part of Lot 9, Private Claim 563, Detroit, Michigan, recorded in Liber 23, Page 97 of Plats, Wayne County Records; Also,

abutting Lot 71 on the East side of said alley in the William B. Wesson Subdivision, of Lot 10 and Wesson & Ingersoll's Subdivision of Lot 8 of Private Claim No. 266, Springwells, Wayne County, Michigan, Town 2 South, Range 11 East, as recorded in Liber 5, Page 47 of Plats, Wayne County Records;

Petition No. 3261

Conversion to easement of the North/South alley in the block bounded by Plymouth, Grandmont, Elmira and Abington Avenues;

That all that part of an eighteen (18) foot wide section of public alley running in a North/South direction, in the block bounded by Plymouth, Grandmont, Elmira and Abington Avenues, abutting Lots 1155 to 1173, both inclusive, on the West of said alley and Lots 1187 to 1205, both inclusive, on the East of said alley, in the Frischkorn Grand-Dale #1 Subdivision, being the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 36, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 52, Page 1 of Plats, Wayne County Records;

Petition No. 3323

Conversion to easement of the North/South alley in the block bounded by Braile, Davison, Pierson Avenues and the Jeffries Freeway;

That all that part of a sixteen (16) foot wide section of public alley running in a North/South direction, in the block bounded by Braile, Davison, Pierson Avenues and the Jeffries Freeway, abutting Lots 114 to 118, both inclusive, and the South 7.34 feet of Lot on the West of said alley, and Lots 149 to 153, both inclusive, and the South 3.55 feet of Lot 148, on the East of said alley said alley, in the Brightmoor Rigoulot Subdivision, lying South of Grand River Avenue, being part of the Northeast 1/4 of Section 27, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, as recorded in Liber 49, page 14 of Plats, Wayne County Records;

Be and the same are hereby vacated as public alleys and hereby converted into public easements of the full width of the alleys which easements 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 easements or right-of-ways over said vacated public alleys hereinabove described, for the purpose 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 hereinabove 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 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 fences) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Department of Public Works.

FOURTH, That if at any time in the future 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 easements, such owners, upon whose property the poles 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 the City Clerk shall, within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds, and shall send a certified copy to the State Treasurer, and shall further transmit a copy of this reso-

lution to the City Engineer, to the Law Department and to the Department of Public Works; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the Law Department shall notify the owners of the property abutting on such alley or portions thereof, and other necessary parties, that the alley or portions thereof have been vacated and converted in easement for utilities; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the City Engineer shall correct the official city maps and records; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the Department of Public Works shall adjust its garbage and refuse collection services accordingly.

Approved:

DONALD PAILEN
Corporation Counsel

Adopted as follows:

Yeas — Council Members Butler, Collins, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

Law Department

Honorable City Council:

Re: Carolyn Bowe vs City of Detroit,
Department of Transportation, Case
No.: 87 708 287 NI, File No.:
87-1105 (DB).

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in the memorandum. From this review, it is our considered opinion that a settlement in the amount of Fifty Thousand (\$50,000.00) Dollars is in the best interest of the City of Detroit.

We, therefore, request your Honorable Body to direct the Finance Director to issue her draft in the amount of \$50,000.00 payable to Carolyn Bowe and her attorneys, Philo, Atkinson, Steinberg, White & Keenan, to be delivered upon receipt of properly executed Releases and a Stipulation and Order of Dismissal of Lawsuit No. 87 708 287 NI approved by the Law Department.

Respectfully submitted,
DENNIS BURNETT
Supv. Asst. Corp. Counsel

Approved:

DONALD PAILEN
Corporation Counsel
By: ABIGAIL ELIAS
Deputy Corporation Counsel

By Council Member Hill:

Resolved, That the Finance Director be, and she is hereby authorized and directed to draw her warrant upon the proper fund in favor of Carolyn Bowe and her attorneys, Philo, Atkinson, Steinberg, White & Keenan, in the sum of Fifty Thousand (\$50,000.00) Dollars in full