

Be and the same is hereby vacated as 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, (except necessary line fence, and/or the DWSD and B&SE approved masonry screen wall encroachment as referenced above in the encroachment portion of this resolution; including related construction that may be required by DWSD, designed to prevent damage to the public sewer) shall be built or placed upon said easement, nor 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 a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner(s) shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Collins, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

#### City Engineering Department

July 10, 1990

Honorable City Council:

Re: Petition No. 403, Wayne County — Department of Management and Budget, New Wayne County Jail Site in the City of Hamtramck, Street to Easement Denton, west of Conant to the City line.

Petition No. 403 of "Wayne County — Department of Management and Budget" requests the conversion of Denton Avenue, 50 feet wide, west of Conant Avenue to the City line into an easement for public utilities.

Wayne County is constructing a new 840 bed jail in the City of Hamtramck. The Hamtramck portion of Denton Avenue necessary for the jail site was vacated by the Common Council of the City of Hamtramck (on October 26, 1989). To consolidate the jail site properties it is necessary for your Honorable Body to vacate the Detroit portion.

The requested conversion 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:

Wayne County shall pay all incidental costs to remove the paved street return entrance (into Conant) whenever discontinuance of use makes removal necessary.

Further, the City owns said portion of Denton Avenue in fee. Therefore, the Finance Director must execute a quit-claim deed to transfer the vacated public street right-of-way.

City departments and privately-owned utility companies have reported no

objections to the conversion of public rights-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

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

Respectfully submitted,  
 CLYDE R. HOPKINS  
 Director

By Council Member Cleveland:

Whereas, Wayne County is constructing a new 840 bed "correctional facility" in the City of Hamtramck, Michigan; and

Whereas, The Hamtramck portion of Denton Avenue, necessary for the jail site, was vacated by the Common Council of the City of Hamtramck on October 26, 1989. Said adopted resolution was recorded on November 9, 1989 in the office of the Wayne County Register of Deeds, (#89180836) Liber 24416, Pages 429-431, Deeds, Wayne County Records; and

Whereas, To consolidate the jail site parcel it is necessary for the City Council of the City of Detroit to vacate the remaining (Detroit) portion of Denton Avenue, west of Conant Avenue; therefore be it

Resolved, All that part of Denton Avenue, 50 feet wide, as opened by deed on August 8, 1912 as recorded in Liber 841, Page 431, Deeds, Wayne County Records; being part of Lot 32 of "Plat of the North Half of Section 28 and the Northeast Fraction of Section 29, Town 1 South, Range 12 East, Estate of John Strong," City of Detroit, Wayne County, Michigan as recorded in Liber 243, pages 514-517, Deeds, Wayne County Records; being more particularly described as follows: Beginning at the intersection of the southerly line of Denton Avenue (50 feet wide) and the westerly line of Conant Avenue (variable width; having been widened by City Council on October 26, 1983 — J.C.C. p. 2043); thence S. 61° 57' 17" W., 41.37 feet (to the westerly line of the above mentioned Lot 32); thence N. 27° 06' 39" W. (along said line), 53.79 feet; thence N. 61° 57' 17" E., 30.97 feet; thence S. 38° 05' 10" E., 54.62 feet to the point of beginning (containing 1,945 square feet or 0.0447 acres, more or less);

Be and the same is hereby vacated as 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 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,

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 street return at the

entrance (into Conant 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, or their 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, The Finance Director is hereby directed to execute a quit-claim deed to transfer the following vacated public right-of-way (for the fair market value and/or other valuable considerations):

Land in the City of Detroit, Wayne County, Michigan being all that part of Denton Avenue, 50 feet wide, as opened by deed on August 8, 1912 as recorded in Liber 841, Page 431, Deeds, Wayne County Records; also being part of Lot 32 of "Plat of the North Half of Section 28 and the Northeast Fraction of Section 29, Town 1 South, Range 12 East, Estate of John Strong," as recorded in Liber 243, Pages 514-17, Deeds, Wayne County Records; being more particularly described as follows: Beginning at the intersection of the southerly line of Denton Avenue (50 feet wide) and the westerly line of Conant Avenue (variable width; having been widened by City Council on October 26, 1983 — J.C.C. p. 2043); thence S. 61° 57' 17" W., 41.37 feet (to the westerly line of the above mentioned Lot 32); thence N. 27° 06' 39" W. (along said line), 53.79 feet; thence N. 61° 57' 17" E., 30.97 feet; thence S. 38° 05' 10" E., 54.62 feet to the point of beginning, containing 1,945 square feet or 0.0447 acres, more or less; subject to an easement for public utilities.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Collins, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

#### Community & Economic Development Department

July 9, 1990

Honorable City Council:

Re: Petition #523 — Scruples Nightclub to renew for balance of summer, 1990 a sidewalk cafe at 1001 St. Antoine St.

The above petition was referred to this Department for investigation and report after consultation with various City departments that are involved and, after careful consideration of the matter, the Community and Economic Development Department recommends that the petition be granted with the appropriate res-

olution and Departmental reports attached for consideration by your Honorable Body.

Respectfully submitted,  
DALE SAUNDERS  
Director

By Council Member Cleveland:

Resolved, That the request for an outdoor cafe at 1001 St. Antoine cor. of Lafayette by Scruples Restaurant from July 20, 1990 to September 30, 1990, be and the same is hereby granted that the Department of Public Works be authorized to issue a use permit contingent upon licensee of such premises obtaining approval of the Michigan Liquor Control Commission, if necessary, and compliance with applicable City Ordinances in connection with the activities, and contingent that permittee negotiate a use fee for one year with the Real Estate Division, of the Community and Economic Development Department, prior to the Department of Public Works issuing a use permit.

Provided, That permittee, at this time of obtaining said permit, file with the Finance Department an indemnity agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the permittee of the terms thereof; and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments;

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by City Council, and that the public property so affected shall be restored to a condition satisfactory to Department of Public Works by said permittee at its expense;

Provided, That this resolution is revocable at the will, whim or caprice of the City Council and permittee hereby expressly waives any right to claim damages or compensation for removal of encroachment and, further, that permittee acquires no implied or other privileges hereunder not expressly stated herein;

Provided, That the permit shall not be assigned or transferred without the written approval of the City Council;

Provided, That the filing of the indemnity agreement and the securing of the necessary permits referred to, herein, shall be construed as acceptance of this Resolution by the permittee;

Provided, That a certified copy of this Resolution shall be recorded with the