

struction 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 alleys or portions thereof, and other necessary parties, that the alleys or portions thereof have been vacated and converted into 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
Adopted as follows:

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

Nays — None.

Law Department

May 10, 1991

Honorable City Council:

Re: Petition No. 3457 to Convert an Alley to an Easement (Previously listed as Petition No. 3347).

During the Public Hearing for conversion of alleys to easements held before the City Council on March 19, 1991, it was reported that there have been protests against the captioned petition for alley vacating. The Community and Economic Development Department withdrew the petition as a result.

The Community and Economic Development Department has investigated the above petition and has requested that this alley be vacated as originally requested on March 19, 1991.

All other involved City Departments and privately owned utility companies have no objections to the conversion of the public right-of-way into an easement 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
Supv. Asst. Corp. Counsel

Approved:

DONALD PAILEN
Corporation Counsel

By Council Member Butler:

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

PETITION NO. 3457
(Previously No. 3347)

CONVERSION TO EASEMENT OF A NORTH/SOUTH AND AN EAST/WEST ALLEY IN THE BLOCK BOUNDED BY UNIVERSITY, HEREFORD, CHESTER AND HARPER AVENUES;

That all that part of an eighteen (18) foot wide section of public alley running in an North/South direction in the block bounded by HEREFORD, UNIVERSITY, CHESTER and HARPER AVENUES, abutting Lots 155 to 158, on the East of said alley and Lot 172, on the West of said alley, in the GREEN OAKS SUBDIVISION, of Lots 1 and 2 of J. Young's Subdivision of the Easterly part of the Rear Concession of P.C. 404 and of Lot #22 and part of Lot #21 of Geo. H. Prentis Subdivision of part of Rear Concession of Private Claim #122, Gratiot Township, Wayne County, Michigan, as recorded in Liber 49, Page 19 of Plats, Wayne County Records; Also, a twenty (20) foot wide alley, running in an East/West direction in the block bounded by HEREFORD, UNIVERSITY, CHESTER and HARPER AVENUES, abutting Lot 172, Lot 158, and a North/South eighteen (18) foot wide alley, on the North of said alley and Lots 161 to 171, both inclusive, and the West 11.64 feet of Lot 160, on the South of said alley, in the above mentioned Green Oaks Subdivision;

Be and the same is hereby vacated as a public alley and 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 easement or right-of-way over said vacated public alley 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 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 or 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 easement, such owners, upon whose property the poles or 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 vacated and converted into an 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, Cleveland, Eberhard, Hill, Hood, Kelley, Ravitz and President Mahaffey—8.

Nays — None.

Law Department

May 23, 1991

Honorable City Council:

Re: Aaron Ford Sr., as Next of Friend of Aaron Ford, II, a minor, vs. City of Detroit, a Municipal Corporation, Edmund Gause & Columbia Guice, Case No. 90 032 216 NO, Our File No. 89-9665

Representation by the Law Department of the City employees listed below is hereby recommended, as we concur with the recommendation of the Head of the Department and believe that the City Council should find and determine that the suit against the defendants arises out of or involves the performance in good faith of the official duties of such defendants.

Defendants: Edmond Gause, Columbia Guice.

Respectfully submitted,
LESLEY F. KNAPP
Supervising Assistant
Corporation Counsel

Approved:

DONALD PAILEN

Corporation Counsel

By: THOMAS L. WALTERS

Deputy Corporation Counsel

By Council Member Butler:

Resolved, That the Law Department is hereby authorized under the provisions of Chapter 13, Article 11 of the Municipal Code of the City of Detroit and in accordance with the foregoing communication