

the (vacated) east-west public alley (south of Poplar Avenue, and west of Tillman Avenue; 10 feet wide, having been vacated and converted into an easement for public utilities in the City Council resolution adopted on March 4, 1981 — J.C.C. pgs. 461-62); also lying westerly of and abutting the west line of Lots 5 thru 16; also lying westerly of and abutting the west line of the (vacated) east-west public alley (10 feet wide; having been previously vacated in the City Council resolution adopted on April 16, 1935 — J.C.C. pgs. 699-700); also lying westerly of and abutting the west line of Lot 1 of "Hosie's Subdivision of Lots 473 to 483 both inclusive of part of the Porter Farm, on the west side of Tillman Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 99, Plats, Wayne County Records; also lying easterly of and abutting the east line of Lot 27; also lying easterly of and abutting the east line of the (vacated) east-west public alley (south of Poplar Avenue, and east of 23rd Street; 10 feet wide, having been previously vacated in the City Council resolution adopted on December 20, 1949 — J.C.C. pg. 3772); also lying easterly of and abutting the east line of Lots 28 thru 39; also lying easterly of and abutting the east line of the (vacated) east-west public alley (north of Selden Avenue, and east of 23rd Street; 10 feet wide, having been previously vacated in the City Council resolution adopted on December 20, 1949 — J.C.C. pg. 3772); also lying easterly of and abutting the east line of Lot 44 of the "Plat of Grosfield and Schulte's Subdivision of Lots 451 to 472 inclusive of Johnston's Subdivision of Part of the Porter Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 100, Plats, Wayne County Records; also

All of the (vacated) east-west public alley, 10 feet wide, south of Poplar Avenue, and west of Tillman Avenue (said public alley having been vacated and converted into an easement for public utilities in the City Council resolution adopted on March 4, 1981 — J.C.C. pgs. 461-62) lying southerly of and abutting the south line of Lots 17 thru 21; also lying northerly of and abutting the north line of Lot 16 of "Hosie's Subdivision of Lots 473 to 483 both inclusive of part of the Porter Farm, on the west side of Tillman Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 99, Plats, Wayne County Records;

Be and the same are hereby vacated (outright) as public utility easements to become part and parcel of the abutting property, subject to the following provision:

Provided, That before any construction shall be permitted within the vacated

(outright) public utility easements, mentioned above, the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Water and Sewerage Department (DWSD) — Sewer Services Section for review and approval. All costs for plan review, new catch basins, new outlet sewers, new manhole(s), bulkheading, and/or other related construction that may be required by DWSD (designed to prevent storm water ponding), including but not limited to inspection, survey, engineering, and permits shall be paid by the petitioner; 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.

Adopted as follows:

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

Nays — None.

#### City Engineering Department

December 12, 1991

Honorable City Council:

Re: Petition No. 1003 — General Services Administration, Region 5 — Utility Easement (within an urban renewal plat) restricted to existing utilities in the block bounded by Second, First, Howard and Abbott.

Petition No. 1003 of the "General Services Administration (GSA), Region 5" requests the restriction of a portion of the (customary) public utility easement, 20 feet wide (established within the "Detroit Urban Renewal Plat No. 1," City of Detroit, Wayne County, Michigan as recorded in Liber 90, Pages 85 and 86, Plats, Wayne County Records; said urban renewal plat having been accepted in the City Council resolution adopted on December 26, 1967 — J.C.C. pgs. 3168-69), in the block bounded by Second Avenue, First, Howard and Abbott Streets into an easement for "existing" public utilities.

The petition was referred to the City Engineering Department for investigation and report. This is our report:

If it becomes necessary to remove the alley return entrance (into First), the petitioner shall pay all incidental removal costs.

City departments and privately-owned utility companies have reported no objections to the restrictive utility easement. Provisions protecting existing utility installations (including the Water and Sewerage Department, the Public Lighting Department, and the Detroit Edison Company) are part of the resolution.



The adoption of the attached resolution is recommended.

Respectfully submitted,  
 CLYDE R. HOPKINS  
 Director

By Council Member Eberhard:

Resolved, All that part of the public utility easement, 20 feet wide, in the block bounded by Second Avenue, First, Howard and Abbott Streets; being parts of Lots 22 and 23 of the "Detroit Urban Renewal Plat No. 1, of part of Private Claims 23, 247, 55 and Military Reserve," City of Detroit, Wayne County, Michigan as recorded in Liber 90, Pages 85 and 86, Plats, Wayne County Records (said urban renewal plat having been accepted in the City Council resolution adopted on December 26, 1967 — J.C.C. pgs. 3168-69); being more particularly described as follows: Beginning at the northeast corner of said Lot 23; thence S.29°57'15"E. (along the easterly line of said Lot 23), 10.00 feet; thence S.59°59'55"W. (along a line 10.00 feet southerly of and parallel to the northerly line of said Lot 23), 100.25 feet; thence N.30°00'55"W. (along the westerly line of said Lot 23), 10.00 feet; thence N.14°59'05"E., 14.14 feet; thence N.59°59'55"E. (along a line 10.00 feet northerly of and parallel to the northerly line of said Lot 23), 90.27 feet; thence S.29°57'15"E. (along the easterly line of said Lot 23), 10.00 feet to the point of beginning, containing 1,955 square feet or 0.0449 acres, more or less;

Be and the same is hereby vacated as a public utility easement to become part and parcel of the abutting property (subject to any and all other instruments, grants, covenants, and/or attachments to land of public record; whether specifically stated in this resolution or not); being subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the Water and Sewerage Department (DWSD), the Public Lighting Department (PLD), and the Detroit Edison Company (DECo.) an easement or right-of-way over said vacated public utility easement herein above described for the purposes of maintaining, repairing, removing, or replacing existing public utilities such as water mains, sewers, electric (light, power, and/or communication) conduits or things usually placed or installed in a public utility easement by DWSD, PLD, or DECo. (within the Central Business District) in the City of Detroit, with the right to ingress and egress at any time to and over said ease-

ment for the purpose above set forth,

Second, said easement or right-of-way in and over said vacated public utility easement herein above described shall be forever accessible to the maintenance and inspection forces of the DWSD, PLD, and DECo., or those specifically authorized by them, for the purpose of inspecting, maintaining, repairing, removing, or replacing any sewer, conduit, water main, or any existing utility facility placed or installed in the easement or right-of-way. The DWSD, PLD, and DECo. 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 easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the DWSD, PLD, and DECo. shall use due care in such crossing or use, and that any property damaged by the existing utilities, 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 (except necessary line fence) shall be built or placed upon said easement, nor change of surface grade made, without the review and approval of the City Engineering Department, the DWSD, PLD, and DECo.,

Fourth, that if the owners of the lots containing said vacated utility easement shall request the removal and/or relocation of any existing 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 existing 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 entrance (into First Street), 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, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.



Adopted as follows:  
Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Kelley, Ravitz, and President Mahaffey — 8.  
Nays — None.

**City Engineering Department**  
December 16, 1991

Honorable City Council:

Re: Petition No. 1322. John K. King Books, Alley to Easement, remaining east-west public alley in the block bounded by 5th, Lodge Fwy., Fort and Lafayette.

Petition No. 1322 of "John K. King Books" requests the conversion of the remaining portion of the east-west public alley, 20 feet wide, in the block bounded by Fifth Avenue, the (limited access right-of-way of the) John C. Lodge Freeway, W. Fort Street and W. Lafayette Avenue into an easement for public utilities.

The petition was referred to the City Engineering Department (on September 20, 1991 by the Community and Economic Development Department) for investigation (utility clearances) and report. This is our report:

If it becomes necessary to remove the alley return entrance (into Fifth), the petitioner shall pay all incidental removal costs.

In a letter (dated April 22, 1991) the Michigan Department of Transportation (M-DOT) has approved the alley closing request near the Lodge Freeway (subject to conditions).

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 (and M-DOT) are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Everett:

Resolved, All of the remaining part of the east-west public alley, 20 feet wide, in the block bounded by Fifth Avenue, the (limited access right-of-way of the) John C. Lodge Freeway, W. Fort Street, and W. Lafayette Avenue lying southerly of and abutting the south line of the westerly 46.06 feet of Lot 5, and Lot 6; also lying northerly of and abutting the north line of Lots 7 and 8 of "William A. Moore's Subdivision of Block 24, of the Subdivision of the Jones Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 76, Plats, Wayne County Records;

Be and the same is hereby vacated as a 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 and reg- 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 and the Michigan Department of Transportation (M-DOT) 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 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 (including the maintenance of and/or access to the John C. Lodge Freeway),

Second, said utility and M-DOT 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 and M-DOT, 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 and M-DOT 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 and M-DOT easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies and M-DOT shall use due care in such crossing or use, and that any property damaged by the utility companies and M-DOT, 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 or 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 M-DOT fences, existing poles or other utilities in said easement, such owners, shall pay all costs incidental to