

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; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division - DPW,

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 further

Provided, That if it becomes necessary to remove the paved alley return at the entrance (into Filer Avenue), such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Division - DPW specifications with all costs borne by the abutting owner(s), their heirs or assigns; and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and be it further

Provided, That the Finance Director is hereby authorized and directed to issue a Quit-Claim Deed to transfer the following vacated public (alley) right-of-way to "Fitzgerald Finishing Company, 17450 Filer Avenue, Detroit, MI 48212" for the fair market value and/or other valuable considerations:

"Land in the City of Detroit, Wayne

County, Michigan being the north 20.00 feet of Lot 52 of "Victor Peninsular Resubdivision of part of Lots 6 and 15, Lots 7 to 14, both inclusive of Block 24, all of Blocks 25 and 26 and part of the South Half of Block 27, also that part of Covert Avenue vacated from Mt. Elliott Avenue to Michigan Central Railroad right of way of the original Plat of Village of Norris as recorded in Liber 3 of Plats, page 30 being part of the East Half of the Southwest Quarter of Section 9, Town 1 South, Range 12 East," (Hamtramck Township), City of Detroit, Wayne County, Michigan as recorded in Liber 51, Page 91, Plats, Wayne County Records (said part of lot having been deeded to the City of Detroit for a public alley on April 23, 1929 - J.C.C. page 1048); containing 2,200 square feet or 0.0505 acre more or less; subject to a private easement for public utilities;

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

Department of Public Works City Engineering Division

December 4, 1996

Honorable City Council:

Re: Petition No. 1957. Cadieux Cafe, et al Alley to Easement remaining north-south public alley east of Cadieux between Waveney and Cincinnati.

Petition No. 1957 of "Cadieux Cafe, et al" requests the conversion of the remaining north-south public alley, 14 feet wide, east of Cadieux Avenue between Waveney and Cincinnati Avenues into a private easement for public utilities.

The requested conversion was approved by the Solid Waste Division — DPW, and Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division - DPW for investigation (utility review) and report. This is our report:

The petitioner(s) plan to use the paved alley return entrances (into Waveney and Cincinnati Avenues) and requests such remain in their present status. Cadieux Cafe shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

January 8

By Council Member Tinsley-Williams:

Whereas, In a letter (received at City Engineering Division — DPW on October 29, 1996), the owner of 17130 Cincinnati Avenue consented to Petition No. 1957 of "Cadieux Cafe", therefore be it

Resolved, All of the north-south public alley, 14 feet wide, east of Cadieux Avenue between Waveney and Cincinnati Avenues lying westerly of and abutting the western line of Lot 8; also lying westerly of and abutting the western line of the vacated east-west public alley (14 feet wide, in said block; having been previously vacated by City Council on June 17, 1958 — J.C.C. pages 1308-09); also lying westerly of and abutting the western line of Lot 43; also lying easterly of and abutting the eastern line of Lots 1 thru 7 as platted in Block 6, of "Columbia Freund's Subdivision of Lots 26 to 33 inclusive of Michael Cadieux Estate, Private Claims 50 and 564, Grosse Pointe (Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 17, Page 93, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities 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, retaining or partition walls, (except necessary line fence; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

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 further

Provided, That if it becomes necessary to remove the paved alley return(s) at their entrance(s) (into Waveney and/or Cincinnati Avenues), such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the owner(s) of the Cadieux Cafe properties, their heirs or assigns; and further

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 Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

Water and Sewerage Department
January 3, 1997

Honorable City Council:
At its regular meeting of December 18, 1996 the Detroit Board of Water Commissioners scheduled its Public Hearing for proposed Fiscal Year 1997-98 Water and Sewerage rates and charges.