

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 Cloverlawn 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.

Adopted as follows:

Yeas — Council Members Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

November 25, 1997

Honorable City Council:

Re: Petition No. 2635 Werner Tool Co., Inc. Alley to Easement westerly part of the east-west public alley in the block bounded by Dresden, Strasburg, McNichols and Sauer

Petition No. 2635 of "Werner Tool Co., Inc." requests the conversion of a westerly part of the east-west public alley, 20 feet wide, in the block bounded by Dresden, Strasburg, McNichols and Sauer Avenues into a private easement for public utilities.

The alley closing was approved by 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) plans to use the paved alley return entrance (into Dresden Avenue) and requests such remain in its present status. The petitioner(s) shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies 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

By Council Member Cockrel:

Resolved, All that part of a westerly portion of the east-west public alley, 20 feet wide, in the block bounded by Dresden, Strasburg, McNichols and Sauer Avenues lying southerly of and abutting the south line of Lot 192; also lying northerly of and abutting the north line of the western 5.90 feet of Lot 200, and Lots 193 thru 199 of "Jeremiah Trombly's Gratiot Lawn Subdivision of part of Lot 3 and part of Lot 4 of Trombly's Subdivision of part of Fractional Section 11, Town 1 South, Range 12 East," City of Detroit, Wayne County, Michigan as recorded in Liber 55, Page 42, 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 at the entrance (into Dresden 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.

Adopted as follows:

Yeas — Council Members Cockrel,

Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.  
Nays — None.

**Department of Public Works  
City Engineering Division**

November 25, 1997

Honorable City Council:

Re: Petition No. 1977. Stroh Companies, Inc. (together with) Wolverine Packing Company and R. Hirt Jr. Company. Streets and Alleys to Vacation in the area bounded by the Chrysler Freeway, Rivard, Winder and Wilkins.

Petition No. 1977 of "Stroh Companies, Inc." requests the outright vacation of remaining public streets and alleys in the area bounded by the Chrysler Freeway Service Drive, Rivard, Winder and Wilkins Streets; in the vicinity of "Wolverine" and "Hirt" parcels. City Council approved a plan to develop city land within Wholesale Distribution Center Rehabilitation Project No. 3 for "Wolverine Packing Company [a Michigan Corporation] together with "R. Hirt Jr. Company", on October 15, 1997. The development agreement requires a 28 feet wide railroad easement (reserved for the use of a railroad company) across the vacated public streets and alleys.

The petition was referred to the City Engineering Division — DPW for investigation (utility clearances) and report. This is our report:

Traffic Engineering Division — DPW approved the public street closings.

Detroit Edison Company (DE Co.) needs to maintain services within Alfred Street. The resolution contains provisions to protect the facilities and utility services of DE Co.

There are two existing water mains within Adelaide Street. *First*, DWSD requires the "cut and cap" of an existing 10 inches diameter water main within Adelaide Street. *Second*, DWSD requires a private DWSD easement to maintain an existing 48 inches diameter transmission water main within Adelaide Street. "Wolverine" and/or "Hirt (if necessary)" must pay all expenses to "cut and cap" of the *first* water main. "Wolverine" and/or "Hirt (if necessary)" must provide DWSD an easement for the *second* transmission water main. Plans and construction must be reviewed and approved by DWSD; subject to DWSD specifications, permits and inspection.

All other involved city departments and privately owned utility companies reported no objections to the outright vacation. Provisions protecting certain utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer