

tion, whose address is 1 Ford Place, Detroit, MI 48202" shall grant the Water and Sewerage Department through the Board of Water Commissioners (for and on behalf of the City of Detroit) a satisfactory easement [outside of the outright vacated area] for any rerouted 8-inches diameter water main(s) across property owned by the petitioner. After said easement has been reviewed and accepted by the Board of Water Commissioners (for and on behalf of the City of Detroit), then said grant of water main(s) easement shall be conveyed by a properly executed document, containing a legal description suitable for recording. Additionally, the Water and Sewerage Department shall record said executed document in the Wayne County Register of Deeds; and further

Provided, That upon satisfactory completion of the construction of any rerouted 8-inches diameter water main(s) [outside of the outright vacated area], the water main(s) shall become property of the City of Detroit and part of the DWSD water system network; and further

Provided, That if it becomes necessary to open-cut, drill, bore, jack, occupy or barricade public rights-of-way to construct the proposed West Annex [area] underground parking garage, such work shall be according to detailed permit application drawings (to be submitted by the Henry Ford Health System and/or their contractors to the City Engineering Division — DPW; subject to City department review and stamp approval(s) prior to any necessary public right-of-way occupancy and/or excavation. — Detroit Code Section 50, Article 3; and further

Provided, That if it becomes necessary to remove or modify the paved street return at its entrance (into West Grand Boulevard), such removal, modification and construction of new curb, sidewalk or driveway(s) shall be done under City permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the Henry Ford Health System, 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.

**Department of Public Works
City Engineering Division**

December 19, 1996

Honorable City Council:

Re: Petition No. 394. Cass Corridor Neighborhood Development Corp.,

Inc. Alley to Easement, northerly part of north-south public alley in the block bounded by Second, Cass, M.L. King and Brainard.

Petition No. 394 of "Cass Corridor Neighborhood Development Corp., Inc." requests the conversion of a northerly part of the north-south public alley, 20 feet wide, in the block bounded by Second Boulevard, Cass Avenue, M.L. King Jr. Boulevard and Brainard Street into a private easement for public utilities.

The requested conversion was approved by the Solid Waste Division — DPW, and the 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 entrance (into Brainard Street), and requests such remain in its present status. Cass Corridor Neighborhood Development Corp., Inc. 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

By Council Member Hill;

Resolved, All that part of the north-south public alley, 20 feet wide, in the block bounded by Second Boulevard, Cass Avenue, M.L. King Jr. Boulevard, and Brainard Street lying westerly of and abutting the north 40.00 feet of the western line of Lot 5, and Lots 6 thru 8; also lying easterly of and abutting the eastern line of Lot 9 as platted in Block 89, of the "Subdivision of part of the Cass Farm to be known as Blocks 89 to 96, inclusive," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Pages 175, 176 and 177, 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 Brainard Street), 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 Cass Corridor Neighborhood Development Corp., Inc. 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.

**Department of Public Works
City Engineering Division**

December 19, 1996

Honorable City Council:

Re: Petition No. 1725 - Amended Resolution. Difco Laboratories. Utility Easement to Vacation a 12.50 feet by 30.00 feet part of the eastern side of Fifth between Henry and Pine.

Petition No. 1725 of "Difco Laboratories, Inc." requests the outright vacation of a part (12.50 feet by 30.00 feet) of the converted utility easement being part of the eastern side of Fifth Street (50 feet wide) between Henry and Pine Streets. City Council granted the petition on July 31, 1996 (J.C.C. page 1823). However, Difco made an adjustment in the location of a proposed truck loading dock by 1.50 feet. The adjustment requires an amended resolution, that changes the legal description by 1.50 feet. One measurement will change from 92.50 feet to 91.00 feet in the legal description.

The 1.50 feet adjustment in the legal description does not harm utility installations.

I am recommending adoption of the attached (amended) resolution.

Respectfully submitted,

SUNDAY JAIYESIMI
City Engineer

By Council Member Hill;

Whereas, Petition No. 1725 of "Difco Laboratories, Inc." requests the outright vacation of a part (12.50 feet by 30.00 feet) of the converted utility easement being part of the eastern side of Fifth Street (50 feet wide) between Henry and Pine Streets [said Fifth Street having been converted into a private easement for public utilities by City Council on February 1, 1984 - J.C.C. pages 170-71]; and

Whereas, City Council previously granted Petition No. 1725 on July 31, 1996 (J.C.C. page 1823). However, "Difco" made an adjustment in the location of a proposed truck loading dock by 1.50 feet. The adjustment requires an amended resolution, that changes the legal descrip-