

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 street 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 entrances, such removal and construction of new curb, pavement and sidewalk shall be done under city permit and inspection according to the City Engineering Division — DPW specifications with all costs borne by the abutting owner(s), their heirs or assigns; and further

Provided, an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to and over said easement for the purpose above set forth; and further

Provided, Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment including the use of backhoes, bulldozers, cranes or pipe trucks, and other heavy construction equipment, a necessary for the alteration or repair of the sewer or water facilities; and further

Provided, The Detroit Water and Sewerage Department retains the right to install suitable permanent main location guides posts over its water mains at reasonable intervals and at points of deflection; 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, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

## Department of Public Works City Engineering Division

July 29, 1999

Honorable City Council:

Re: Petition No. 1137 — Wellness Plan, Dittrich Furs and McDonalds Restaurant, requesting to vacate commercial alley easement in the Area of W. Grand Blvd., Lothrop, John C. Lodge in the New Center Area.

Petition No. 1137 of the Wellness Plan (Comprehensive Health Services, Inc.) Requests the conversion of the east-west public alley, 20 feet wide, in the block bounded by Third Street, West Grand Boulevard, John C. Lodge Service Drive, and Lothrop Avenue into an easement for public utilities.

The requested conversion was approved by the Planning and Development Department, Sanitation 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 plans to use the paved alley returns into Third Street and Lodge Service Drive and requests that such remain in its present status. The petitioner shall pay all incidental costs whenever discontinuance of use makes removal necessary.

All other city departments and privately-owned utility companies have reported no objections or that satisfactory arrangements have been made to the conversion of public rights-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer

By Council Member Tinsley-Talabi:

Resolved, That all of the east-west public alley, 20 feet wide, in the block bounded by Third Street, 80 feet wide, Lothrop Avenue, 80 feet wide, West Grand Boulevard, 150 feet wide and John C. Lodge Service Drive, 40 feet wide lying southerly of and abutting the south line of lot(s) 146-157, both inclusive; also, lying northerly of and abutting the north line of lot(s) 176-187, both inclusive, as platted in "Lothrop and Duffields Subdivision of part of 1/4 sections 55 and 56 10,000 acre tract", City of Detroit, Wayne County Michigan, as recorded in Liber 17, Page 22, 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 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 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 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 fences; 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 their entrances, 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, An easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth, and further

Provided, Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment including the use of backholes, bulldozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and further

Provided, The Detroit Water and Sewerage Department retains the right to install suitable permanent main location guides posts over its water mains at reasonable intervals and at points of deflection; 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, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

**Department of Public Works  
City Engineering Division**

July 28, 1999

Honorable City Council:

Re: Petition No. 1168 — "First Commercial Realty & Development Co., Inc., requests vacation of two (2) commercial alleys in the area of Lappin, Gratiot, Hoyt and Pfent for the Kroger development.

Petition No. 1168 of "First Commercial Realty & Development Company Incorporated" requests the outright vacation of the east-west public alley, 18 feet wide; also, the conversion (into an easement for public utilities) of a portion of the north-south public alley, 18 feet wide, all in the area bounded by Maddelein, Hoyt, Gratiot and Pfent.