

By Council Member Cleveland:
 Re: Sale of Property — vacant lots — (E) Buchanan, between Popular and Buchanan a/k/a 4296 17th and 2431-33 Buchanan.

Whereas, The Planning and Development Department has received and recommends acceptance of an Offer to Purchase in the amount of \$1,400.00 cash, plus a deed recording fee in the amount of \$14.00 cash, from Darryl D. Anglin, a married man, the adjoining owner, for the purchase of property described on the tax rolls as:

Lots 659 and 660; Plat of Alexandrine Stanton's subdivision of that part of the Stanton Farm, Private Claim 473 & Rear Concession, lying between Popular & Buchanan Streets, City of Detroit, Wayne County, Michigan, T.2S., R.11E., Rec'd. L. 8, P. 100 Plats, W.C.R.

which are vacant lots, measuring 66' x 150' and zoned B-2 and R-4. Purchaser proposes to fence and landscape adjacent vacant lots. This usage is permitted as a matter of right.

Now, Therefore Be It Resolved, That in accordance with the Offer to Purchase, the Planning and Development Department Director be authorized to issue a Quit Claim Deed for the described property to purchaser upon payment of the purchase price with the deed to include an attachment clause.

Recommended:

PAUL A. BERNARD
 Director

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Hood, Scott, and President Hill — 6.

Nays — None.

**Department of Public Works
 City Engineering Division**

October 5, 1999

Honorable City Council:

Re: Petition No. 1330 — Frank Askar, et al, requesting conversion of a commercial alley to easement in the area of Harper and Van Dyke.

Petition No. 1330 of "Frank Askar, et al" requests the conversion of a portion of the north-south public alley, 16 feet wide, in the block bounded by Van Dyke, Maxwell, Walbridge and Harper Avenues into an easement for public utilities.

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

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

Originally the petitioner request was to convert all of the north-south alley and a portion of the east-west alley into an easement, but the Traffic Engineering

Division — DPW objected to this change in right-of-way due to the fact this would have created a dead end public alley.

The petitioner amended the original request to only close a portion of the north-south public alley allowing ingress and egress in the remaining alley(s).

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 are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,
 SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW
 By Council Member S. Cockrel:

Resolved, All that part of the north-south public alley, 16 feet wide, in the block bounded by Van Dyke, Maxwell, Walbridge and Harper Avenues lying easterly of and abutting the east line of lots 2 & 3, the north 24.05 feet of lot 4 and the south 7.95 feet of lot 1; Also, lying westerly of and abutting the west line of lot 81 (except that part taken for the widening of Harper Avenue June 30, 1925) of "Meir's Subdivision of Lots 1 & 2, Van Dyke Farm, P.C. 679" north of Gratiot Avenue, Hamtramck, (now Detroit). Wayne County, Michigan as recorded in Liber 15, Page 78 of 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 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 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 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 cost 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 (into Harper Ave.), 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 and 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, 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 guide 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, Hood, Scott, and President Hill — 6.

Nays — None.

Water and Sewerage Department

October 8, 1999

Honorable City Council:

Re: Agreement and Grant of Easement for Sewers Charter Oaks Homes, Inc. — #99-9.

Charter Oaks Homes Inc., has executed an Agreement and Grant of Easement for Sewers with the Detroit Water and Sewerage Department (DWSD) for the purpose of allowing DWSD to operate, maintain, repair, remove, use and replace sewers, and related improvements and appurtenances.

This action is the result of a new development, Woodward Place Condominiums Brush Park — Phase I, located on the eastside of Woodward between the Fisher Freeway and Alfred Street. Charter Oaks Homes Inc., will grant to DWSD two (2) 20-foot wide permanent sewer easements as illustrated in Exhibits "A" and "B" of the Easement Agreement.

At its meeting of July 28, 1999, the Board of Water Commissioners approved entering into this Agreement. It is respectfully requested that your Honorable Body adopt the attached resolution accepting the Easement Agreement as agreed to by the Board of Water Commissioners and Charter Oaks Homes, Inc.

Respectfully submitted,
STEPHEN F. GORDEN

Director

By Council Member Hood:

Resolved, That the Detroit Water and Sewerage Department is authorized to acquire the following described easement(s) situated in the City of Detroit for the purpose of maintaining a sewer to be installed by the Petitioner.

Easement(s) more particularly described as follows:

Parcel "B" (Building 2)

Lots 1 through 4, inclusive, and the vacated alley lying westerly and adjacent