

of-way] sidewalk installations including brick pavers (if such removal or alteration becomes necessary) shall be maintained by "DWCSA". Also, "DWCSA" shall maintain said surety bond in perpetuity (with no expiration date). The petitioner shall be unable to obtain a release from said surety bond as long as the non-standard public [right-of-way] sidewalk installations including brick pavers exist within the public rights-of-way of Witherell Street (60 feet wide), Brush Street (50 feet wide), Adams Avenue (60 feet wide), and Montcalm Street (50 feet wide). The "City Engineering Division — Street Design Bureau" in conjunction with the Traffic Engineering Division — DPW (if necessary) shall be responsible for determining the amount of said surety bond, and then to transmit the information to the Finance Department; and further

Provided, That no rights in the public streets or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at the expense of "DWCSA" at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW at "DWCSA" expense; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and "DWCSA" hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that "DWCSA" acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That "DWCSA" shall apply to and become a participating member of the "Miss Dig" organization; and further

Provided, That the encroachment permit(s) shall not be assigned or transferred without the written approval of the City Council; 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

Resolved, "DWCSA" and/or their contractor(s), shall submit two copies of "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Division — DPW within 30 days after installing the public right-of-way encroachments; subject to city specifications, permits and inspections. Said "as built" drawing(s) shall furnish a complete means of identifying and ascertaining the precise position of every part of the "encroachments" with courses, distances, and depth throughout (containing City of Detroit datum), so that it may be determined with certainty where any portion of the "encroachment" has been built. Copies of the certified "as built" map(s) and survey(s) shall be an "appendix" to this City Council resolution. City Engineering Division — DPW shall record (or cause to be recorded) one copy of the "appendix" in 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

August 2, 1999

Honorable City Council:

Re: Petition No. 3637 — Planning and Development Department "Art Center Urban Renewal District" requesting certain alley closures in the area of Brush, E. Ferry, Hendrie and Chrysler Freeway Service Drive.

Petition No. 3637 of the Planning and Development Department (P&DD) requesting the conversion of certain public alley rights-of-way in the area bounded by Brush, E. Ferry, Hendrie and the Chrysler Service Drive into easement(s) for public utilities.

To develop properties in the "Art Center Urban Renewal District" it is necessary to close certain public alley(s) in order to create viable parcels of land for future development.

The public alley closings were approved by 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.

Necessary provisions protecting utility installations are incorporated into the resolution.

Satisfactory arrangements have been made with all City departments and privately owned utility companies.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
SUNDAY JAIYESIMI  
City Engineer

By Council Member S. Cockrel:

Resolved, All that part of the east-west public alley 20 feet wide, in the block bounded by Palmer Avenue, 60 feet wide, St. Antoine Street, 50 feet wide, Hendrie Avenue, 60 feet wide and the Chrysler Freeway Service Drive lying northerly of and abutting the north line of lots 14-16, inclusive, and lying southerly of and abutting the south lines of lots 1 & 2; as platted in "Ferry and Moran's Subdivision of blocks G, H, I, J and the north 1/2 of block F, Chas. Moran Farm", Detroit,

Wayne County, Michigan as recorded in Liber 12, Page 36, Plats, Wayne County Records; Also, lying northerly of and abutting the north line of lots 5-8, inclusive; and lying southerly of abutting the south line of lots 1-4 block 42, inclusive; as platted in "Ferry and Lyster's Subdivision of blocks 39 to 45, inclusive, Antoine Beaubien Farm between Harper and Ferry Avenues", Detroit, Wayne County, Michigan as recorded in Liber 12, Page 43, Plats, Wayne County Records; Also

All that part of the east-west public alley 20 feet wide, in the block bounded by Beaubien Street, 50 feet wide, Ferry Avenue 80 feet wide, Palmer Avenue 60 feet wide and St. Antoine Street, 50 feet wide lying southerly of and abutting the south line of lots 1-5, inclusive; and lying southerly of and abutting the south line of lots 1-5, inclusive; and lying northerly of and abutting the north line of lots 6-10 inclusive, block 40; as platted in "Ferry and Lyster's Subdivision of blocks 39 to 45 inclusive, Antoine Beaubien Farm between Harper and Ferry Avenues", Detroit, Wayne County, Michigan as recorded in Liber 12, Page 43 Plats, Wayne County Records; Also, the south 20 feet of the north 24.39 feet of lot 6 (deed to the City of Detroit by J. Owen et al., December 5, 1992) as platted in the "Subdivision of Out Lot No. 197, L. Beaubien Farm into 1/4 acre lots", Detroit, Wayne County, Michigan, as recorded in Liber 1, Page 178, Plats, Wayne County Records; Also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Brush Street 60 feet wide, Beaubien Street, 50 feet wide, Ferry Avenue, 80 feet wide, and Palmer Avenue, 60 feet wide lying northerly of and abutting the north line of lots 1-5, inclusive, and lying southerly of and abutting the south line of lots 6-10, inclusive, as platted in "Palmer's Subdivision of part of Out Lot 196 of the L. Beaubien Farm", Detroit, Wayne County, Michigan as recorded in Liber 8, Page 52, Plats, Wayne County, Michigan as recorded in Liber 8, Page 52, Plats, Wayne County Records; Also lying northerly of and abutting the north line of lot 7, block 28, as platted in "Brush's Subdivision of that part of the Brush Farm lying between the north line of Farnsworth St. and the south line of Harper Ave.", Detroit, Wayne County, Michigan as recorded in Liber 17, Page 28, Plats, Wayne County Records; Also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Brush Street, 60 feet wide, Beaubien Street, 50 feet wide, Palmer Avenue, 60 feet wide and Hendrie Avenue, 60 feet wide; lying northerly of and abutting the north line of lots 11-15, inclusive as platted in "Palmer's Subdivision of part of Out Lot 196 of the L Beaubien Farm", Detroit,

Wayne County Michigan as recorded in Liber 8, Page 52, Plats, Wayne County Records; also, lying southerly of and abutting the south line of lots 6 & 7 and lying northerly of and abutting the north line of lots 8 & 9, block 29, as platted in "Brush's Subdivision of that part of the Brush Farm lying between the north line of Farnsworth St. and the south line of Harper Ave.", Detroit, Wayne County, Michigan, as recorded in Liber 17, Page 28, Plats, Wayne County Records;

Be and the same are hereby vacated as public alley(s) and are hereby converted into public easement(s) of the full width of the alley(s), which easement(s) shall be subject to the following covenants and agreements, uses, reservations and regulation which shall be observed by the owners of the lots abutting on said alley(s) 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 street 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 street herein above described shall be forever accessible to the maintenance and inspection forces of the utilities 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 installation shall be subject to the review and approval of the Fire Marshal and the 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 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