

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 task, 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, retaining or partition walls, 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 return at the entrance (into Govin and Springwells Avenues), 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 heir or assigns; and be it 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, Tinsley-Tababi, and President Hill — 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

July 26, 2000

Honorable City Council:

Re: Petition No. 1667. Airtec Corporation — The Monahan Company. Utility Easement to Vacation. Hawthorne lying between the Chrysler Freeway and Grand Trunk Railroad.

Petition No. 1667 of "Airtec Corporation (together with the Monahan Company, contractors) requests the (outright) vacation of the existing utility easement being all of Hawthorne Avenue, 30 feet wide, lying between and abutting the westerly line of the Chrysler Freeway service drive and the easterly line of the Grand Trunk Railroad right-of-way [said public street having been previously vacated and converted into a private easement for public utilities by City Council on May 31, 1978 — J.C.C. pages 1544-45]. A building expansion is planned.

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

Detroit Edison Company must retain an easement, 30 feet wide, to maintain utility services to the site.

DWSD requires the relocation of a public sewer line(s) and the abandonment of a water main. Airtec Corporation will submit design plans to the Water and Sewerage Department (DWSD) for review and approval. All costs for plan review associated with the protection of public sewer services at the site, including but not limited to inspection and permits, will be paid by the "Airtec Corporation" and/or their contractors.

All other involved city departments and privately owned utility companies reported no objections to the outright vacation. Provisions protecting certain utility instal-

lations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW  
By Council Member Hood:

Resolved, All of Hawthorne Avenue, 30 feet wide, lying between and abutting the westerly line of the Chrysler Freeway service drive and the easterly line of the Grand Trunk Railroad right-of-way; said public street having been previously vacated and converted into a private easement for public utilities by City Council on May 31, 1978 — J.C.C. pages 1544-45; lying easterly of and abutting the southeastern line of Lots 446 through 449 of "Kiefer Homes Subdivision of part of Southeast Quarter of Northwest Quarter of Section 12 and part of Northeast Quarter of Southwest Quarter of Section 12, Town 1 South, Range 11 East", [lying east of the D.G.H. & M.R.R., Greenfield Township] City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 14 of Plats, Wayne County Records; also lying westerly of and abutting part of the northwestern line of part of Lot 4, and Lots 1 through 3 of "Jerome Park Subdivision of part of Southeast Quarter of Section 12 and Lots 22 and 23 of Wilcox's Subdivision of West part of Section 13 and East part of Section 14, Town 1 South, Range 11 East, Greenfield (Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 12, Page 52 of Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as a private easement for public utilities to become part and parcel of the abutting property; subject to the following provisions, necessary rights for Detroit Edison Company and/or Water and Sewerage Department, building and use restrictions:

Provided, That a private utility easement for the existing services of Detroit Edison Company is hereby retained over said vacated Hawthorne Avenue, 30 feet wide, lying between and abutting the westerly line of the Chrysler Freeway service drive and the easterly line of the Grand Trunk Railroad right-of-way;

First, Said owners hereby retains for the use of Detroit Edison Company an easement or right-of-way over said vacated public street herein above described for the purpose of maintaining, repairing, removing, or replacing existing utility services such as electric light conduits, poles and/or electric power cable or things installed by Detroit Edison Company within said vacated Hawthorne Avenue, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

Second, Said retained utility easement

or right-of-way in and over vacated Hawthorne Avenue shall be forever accessible to the maintenance and inspection forces of the Detroit Edison Company, or those specifically authorized by them, for the purpose of inspecting, maintaining, repairing, removing, or replacing existing electric light conduit, and/or electric power cable, or light pole or any Detroit Edison Company utility facility placed or installed in the utility easement or right-of-way. The Detroit Edison Company 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 Detroit Edison Company shall use due care in such crossing or use, and that any property damaged by the utility company, 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 by written permission of the Detroit Edison Company; also necessary security installations, such as, by way of illustration, but not limitation: line fence, gates, and guard house structures shall be subject to the review and approval of the Detroit Edison Company] 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 retained utility easement shall request the removal and/or relocation of any existing poles or other Detroit Edison Company utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the Detroit Edison Company, the utility owners,

Fifth, That if any Detroit Edison Company 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 Detroit Edison Company utilities; and further

Provided, That before any construction shall be permitted within the vacated (outright) part of the private easement for public utilities, mentioned above, Airtec Corporation, shall apply to the Buildings

and Safety Engineering Department for a building permit. Simultaneously, the Airtect Corporation and/or their contractors shall submit said building plans to the Detroit Water and Sewerage Department (DWSD) for review and approval; and further

Provided, That the Airtec Corporation (Petition No. 1667) as part of the outright vacation of the existing utility easement being all of Hawthorne Avenue, 30 feet wide, lying between and abutting the westerly line of the Chrysler Freeway service drive and the easterly line of the Grand Trunk Railroad right-of-way [said public street having been previously vacated and converted into a private easement for public utilities by City Council on May 31, 1978 — J.C.C. pages 1544-45] shall relocate the existing sewers located therein; and further

Provided, That the DWSD is hereby authorized to review the drawings for the relocation of sewer lines and to issue a permit for construction; and further

Provided, That the plans for the relocation of sewer lines shall be prepared by a registered engineer; and further

Provided, That the entire work is to be performed in accordance with plans and specifications approved by the DWSD and be constructed subject to the inspection and approval of the DWSD; and further

Provided, That the entire cost of the sewer construction, including inspection, survey and engineering shall be borne by the Airtec Corporation; and further

Provided, That the Airtec Corporation shall deposit with the DWSD, in advance of engineering, inspection and survey, such amounts as that Department deems necessary to cover the cost of these services; and further

Provided, That the Airtec Corporation 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 for the sewer lines across property owned by the Airtec Corporation before the start of construction; and further

Provided, That the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City of Detroit. 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 sewer line(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 sewer line construction, the

sewer line(s) shall be City of Detroit property and become part of the city system; and further

Provided, That the existing sewers and water mains located in the existing utility easement [being all of Hawthorne Avenue, 30 feet wide, lying between and abutting the westerly line of the Chrysler Freeway service drive and the easterly line of the Grand Trunk Railroad right-of-way (said public street having been previously vacated and converted into a private easement for public utilities by City Council on May 31, 1978 — J.C.C. pages 1544-45)] which is being vacated outright (as part of Petition No. 1667 of Airtec Corporation) are to be abandoned as City sewers and water mains to become the responsibility of the Airtec Corporation; and be it further

Resolved, 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, Tinsley-Talabi, and President Hill — 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

August 22, 2000

Honorable City Council:

Re: Petition No. 0792 — W.S. Chamberlin Real Estate, requesting commercial alley closure of the remainder of the alley vacated in the area of 17500 Lahser.

Petition No. 0792 of "W.S. Chamberlin Real Estate" requests the conversion of the remaining portion of the north-south public alley, 16 feet wide, in the block bounded by Lahser Road, 66 feet wide, Burgess Avenue, 50 feet wide, Santa Clara Avenue, 50 feet wide and Bennett Avenue, 50 feet wide into a private easement for public utilities.

The request 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 plans to use the paved street return entrance (into Santa Clara Avenue) and request such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

All 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