

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**

October 15, 2001

Honorable City Council:

Re: Petition No. 3954 — Ali Nassar, et. al., requesting conversion of alley to easement in the area of Chalmers, Mack, and Marlborough.

Petition No. 3954 of "Ali Nassar, et. al.", request conversion of alley in the area of Lozier Avenue, 50 feet wide, Mack Avenue, 120 feet wide, Chalmers, Avenue, 60 feet wide, and Marlborough Avenue, 60 feet wide, into a private easement for 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 an investigation (utility review) and report. This is our report.

If the petitioner at any time plans to discontinue use of the pave alley entrance (into Chalmers Avenue), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objection to the conversion of rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of this resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

City Engineering Division — DPW

By Council Member Mahaffey:

Resolved, Land in the City of Detroit, Wayne County, Michigan being described as the northerly 20 feet of lot 74 of "Chalmers Heights Subdivision of part of the East 1/2 of P.C. 321 lying Northerly of Mack Avenue Townships of Grosse Pointe and Gratiot" Wayne County, Michigan as recorded in Liber 36 Page 75, Plats, Wayne County Records (Deeded to the City of Detroit February 9, 1926);

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 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.

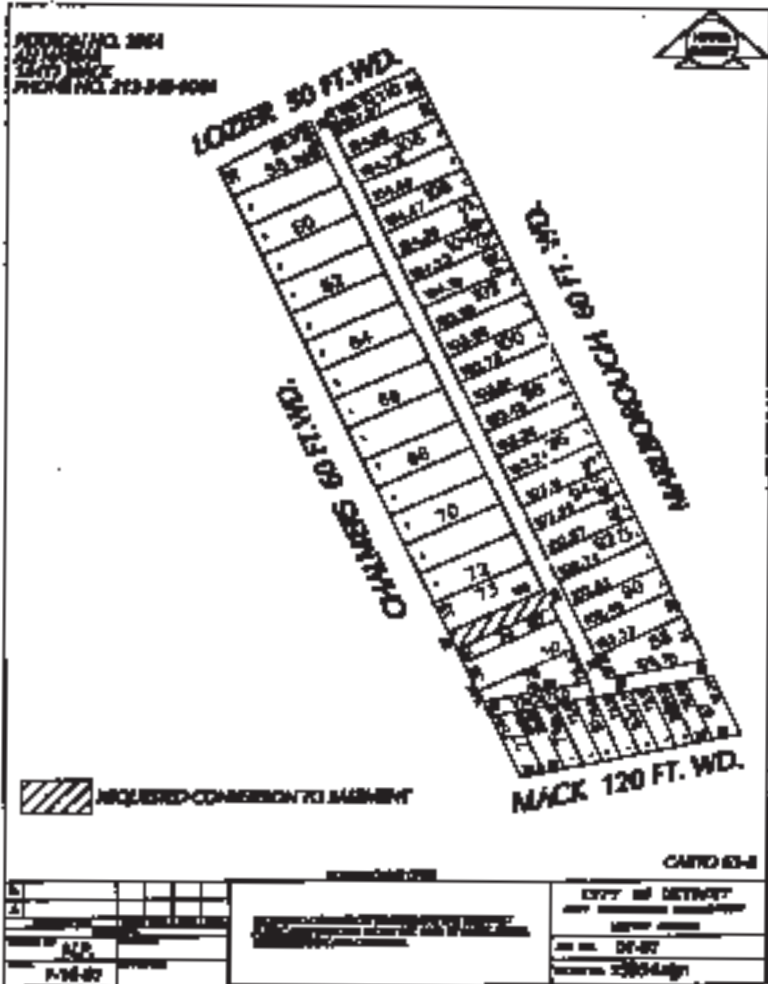
Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, 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 Chalmers Avenue), such removal and construction of new curb and sidewalk 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.

Resolved, That Finance Director is hereby authorized to issue quit-claim deeds to transfer the following vacated public rights-of-way for the fair market value and/or other valuable consideration.

Land in the City of Detroit, Wayne County, Michigan being described as the northerly 20 feet of lot 74 of "Chalmers Heights Subdivision of part of the East 1/2 of P.C. 321 lying Northerly of Mack Avenue Townships of Grosse Pointe and Gratiot" Wayne County, Michigan as recorded in Liber 36 Page 75, Plats, Wayne County Records (said part of lot having been deeded to the City of Detroit for alley purposes on February 9, 1926); subject to a private easement for public utilities.



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**

October 15, 2001

Honorable City Council:

Re: Petition No. 4238 — American Red Cross et al., requesting conversion to easement of Eliot St. in the area of Mack, Erskine, and Woodward.

Petition No. 4238 of "American Red Cross et al.", request conversion of the remaining portion of Eliot Street, 60 feet wide, in the area of Woodward Avenue, 120 feet wide, Mack Avenue, 120 feet wide, John R. Street, 120 feet wide, and

Erskine Avenue, 60 feet wide, into a private easement for utilities.

The American National Red Cross has asked Red Cross Blood Regions to improve security to facilities as a result of the September 11, 2001 event in our Country. These closures will help in this endeavor. The American Red Cross owns all the properties adjacent to the right-of-way to be closed.

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 an investigation (utility review) and report. This is our report.

If the petitioner at any time plans to discontinue use of the pave alley entrance (into Woodward Avenue), the petitioner shall pay all incidental removal cost.