

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

May 14, 2002

Honorable City Council:

Re: Petition No. 3132 — Leroy Moon et. al., requesting for conversion of alley to easement in the area of Gratiot, Troester and Cedar Grove.

Petition No. 3132 of "Leroy Moon et. al.", request conversion the North — South public alley, 18 feet wide, in the block bounded by Troester Avenue, 60 feet wide, Cedar Grove Avenue, 60 feet wide, Grover Avenue, 50 feet wide, and

Gratiot Avenue, 129 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 investigation (utility review) and report. This is our report.

If the petitioner at any time plans to discontinue use of the paved alley entrance (into Cedar Grove 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 public rights-of-way into private easement for utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
 SUNDAY JAIYESIMI
 City Engineer
 City Engineering Division—DPW

By Council Member Collins:

Resolved, all that part of the North-South public alley, 18 feet wide, lying Easterly of and abutting the East line of lots 23 through 27, both inclusive, and the south 3.5 feet of lot 28, also lying Westerly of and abutting the West line of lot 149, in the "Seymour & Troester's Montclair Heights Subdivision" of parts of Sec. 12 & Frac. Sec. 11, T. 1S., R12E., Gratiot Twp., Wayne County, Michigan as recorded in Liber 35, Page 41, Plats, Wayne County Records;

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.

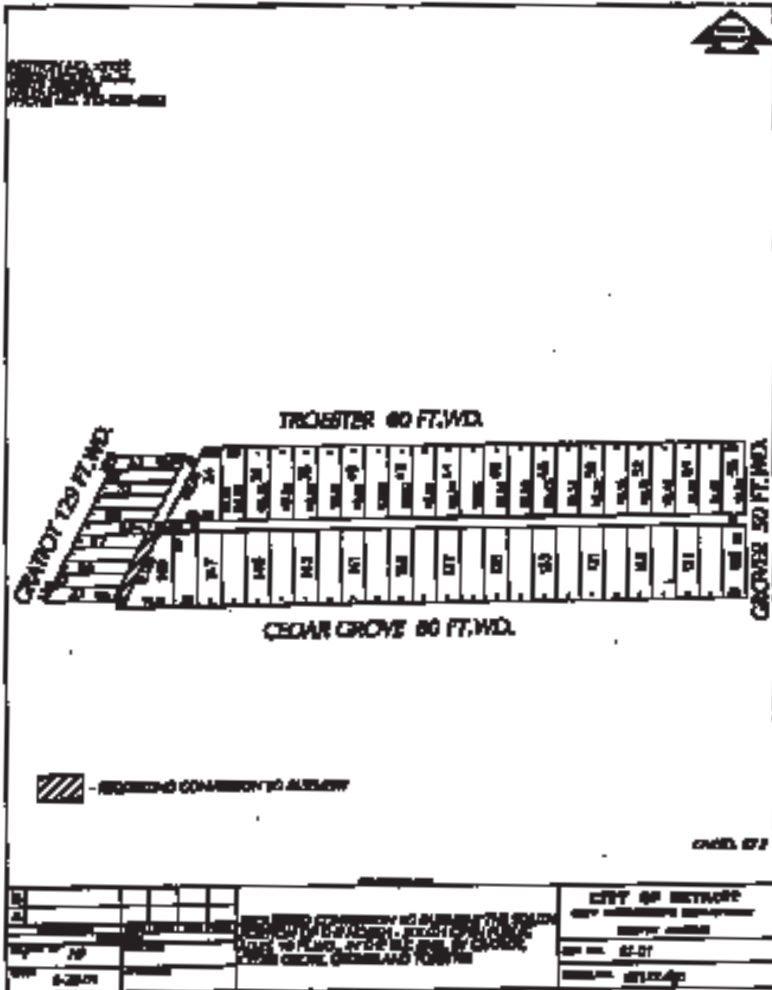
Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering 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 Cedar Grove Avenue), 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 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 Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

June 4, 2002

Honorable City Council:

Re: Petition No. 216 — 5715 Michigan Associates, L.L.C., et. al., requesting for vacation of a portion of alley in the area of Michigan, Greusel, and Bushey.

Petition No. 216 of "5715 Michigan Associates, L.L.C., et al., whose address is, 6020 West Maple Road, Suite 503, West Bloomfield, MI 48322," request to outright vacate a portion of the North-South, public alley, 20 feet wide, in the

block bounded by Michigan Avenue, 120 feet wide, Kulick Avenue, 50 feet wide, Bushey Avenue, 50 feet wide, and Greusel Avenue, 60 feet wide.

The request for outright vacation 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 Detroit Water and Sewerage Department (DWSD) reports having existing sewers in the alley, however, in order to approve the outright vacation of the alley the petitioner has agreed to grant DWSD an easement for existing sewers, also the attached conditions must be met.

All other involved city departments and