

Adopted as follows:  
 Yeas — Council Members Bates, Everett, McPhail, Tinsley-Talabi, and President Pro Tem. K. Cockrel, Jr. — 5.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**  
 September 4, 2002

Honorable City Council:  
 Re: Petition No. 4372 — State of Michigan Department of Transportation, requesting vacation and conversion to easement of alley in the area of W. Lafayette, W. Fort, Fifth and Sixth Streets for redevelopment as a bus transportation facility.  
 Petition No. 4372 of the "State of Michigan Department of Transportation, Real Estate Division" requests the conversion of the east-west public alley, 20 feet

wide, in the block bounded by West Lafayette Boulevard, 80 feet wide, West Fort Street, 100 feet wide, Fifth Avenue, 50 feet wide and Sixth Street, 50 feet wide, into a private easement for public utilities. In order to redevelop the site as a bus transportation facility.

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.

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 attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW  
By Council Member Bates:

Resolved, That all of the east-west public alley 20 feet wide, in the block bounded by West Lafayette Boulevard, 80 feet wide, West Fort Street, 100 feet wide, Fifth Avenue, 50 feet wide and Sixth Street, 50 feet wide, lying Southerly of and abutting the South line of Lots 1-7, both inclusive, Block 25, of "Map of the Western Addition to the City of part of Forsyth & Berthelet Farms" by John Mullett 1835, as recorded in Liber 14, Page 136 Deeds, Wayne County Records, and lying Southerly of and abutting the South line of Lot 1, of "Plat of the Subdivision of that part of Private Claim 247 between the Northerly line of Woodbridge and Larned Streets and the Southern line of Michigan Avenue or Chicago Road by Mrs. Catherine H. Jones 1851, note showing also the Sub'n of Lots 1 and 12 and the Fractional Lot 2 and 11 Block 10 of Sub'n of Cass Farm" as recorded in Liber 44, Page 1, Deeds, Wayne County Records; Also lying Northerly of and abutting the North line of Lots 8-14, both inclusive, of said "Map of the Western Addition to the City of part of Forsyth & Berthelet Farms" by John Mullett 1835, as recorded in Liber 14, Page 136 Deeds, Wayne County Records, and lying Northerly of and abutting the North line of Lot 14 of said "Plat of the Subdivision of that part of Private Claim 247 between the Northerly line of Woodbridge and Larned Streets" as recorded in Liber 44, Page 1, Deeds, 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 rights-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,

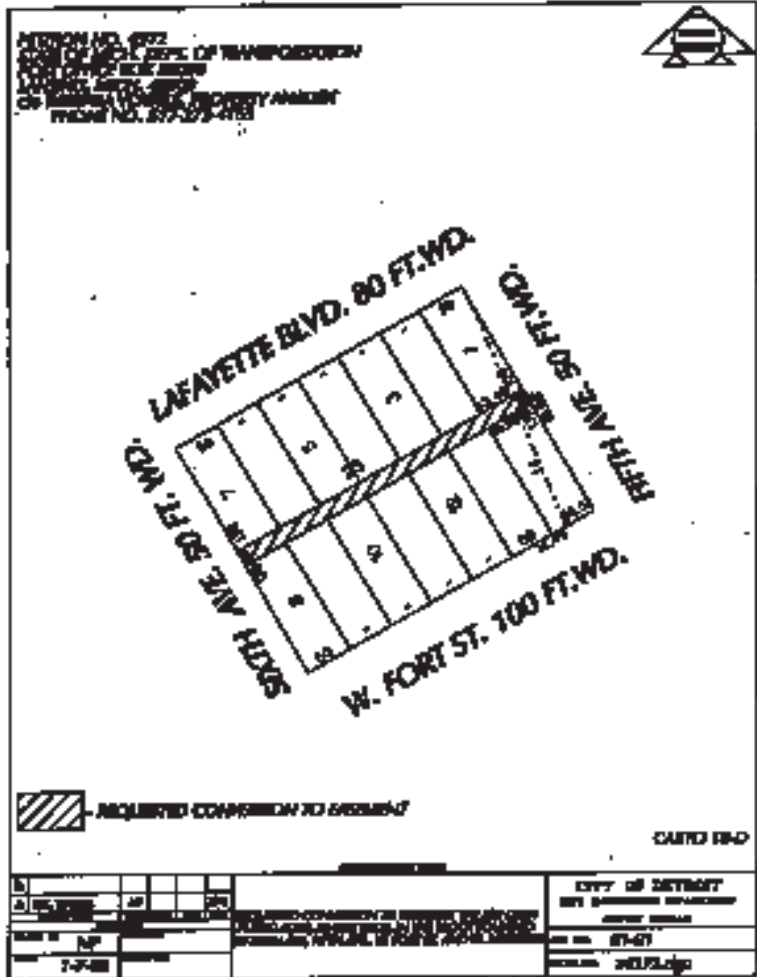
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior 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 alley return(s) at the entrances (into Sixth and Fifth), 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 Bates, Everett, McPhail, Tinsley-Talabi, and President Pro Tem. K. Cockrel, Jr. — 5.  
 Nays — None.

**Department of Public Works  
 Traffic Engineering Division**  
 July, 2002

Honorable City Council:  
 Re: Traffic Control Devices Installed and Discontinued.

We are submitting a list of traffic control devices dated July, 2002, to your Honorable Body for approval.

The attached list shows both traffic control devices, which have been installed, and those which have been discontinued in recent weeks.

Respectfully submitted,  
 ULYSSES BURDELL  
 Interim Deputy Director  
 Department of Public Works

By Council Member Bates:

Resolved, That the traffic regulations, as listed in Communication from the Department of Public Works dated July, 2002 and the discontinuance of restrictions as listed therein, be and the same are hereby approved and confirmed and further

Resolved, That any regulations or restriction in conflict with the foregoing be and the same is hereby rescinded.

Provided, That the traffic regulations adopted pursuant to the Ordinance provisions of Section 38-1-4 and 38-1-5 of Chapter 38, Article 1, of the Code of Detroit and properly indicated by signs, signals, markings, or other devices as authorized by the ordinance provisions of Section 2-7-33 of Chapter 2, Article 7, of the Code of Detroit, and further

Provided, The traffic regulations listed in the communication above referred to