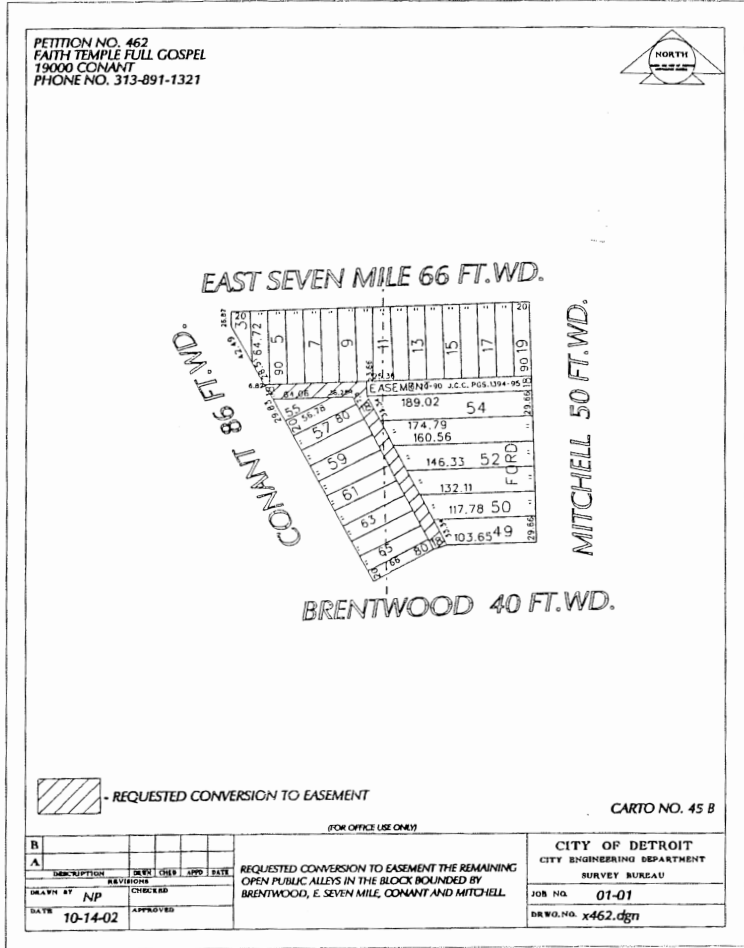


result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

Provided, That if it becomes necessary to remove the paved return at the

entrances (into Conant and Brentwood 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 Bates, K. Cockrel, Jr., S. Cockrel, Everett, McPhail, Tinsley-Talabi, and President Mahaffey — 7.
 Nays — None.

Department of Public Works
City Engineering Division
 March 3, 2003

Honorable City Council:

Re: Petition No. 939 — Paul McClueu et al., for conversion of a portion of alley to easement in the area of Oakman Boulevard and Fleet.

Petition No. 939 of "Paul McClueu et al.", request for the conversion of a portion of the North-South open public alley, 18 feet wide, in the block bounded by Linwood Avenue, 86 feet wide, Fleet Avenue, 60 feet wide and Oakman

Boulevard, 150 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 Oakman Boulevard), the petitioner shall pay all incidental removal costs.

All other city departments and private utility companies have reported no objection to the conversion of public rights-of-way into private easements for 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 Everett:

Resolved, All that part of the North-South alley, 18 feet wide, lying Easterly of and abutting the East line of lot 172, and lying Westerly of and abutting the West line of lots 158 through 166, both inclusive, all in the "Robert Oakman's Ford Highway and Linwood Subdivision E. 1/2 of 1/4 Section 8, 10,000 Acre Tract Greenfield Township, Wayne County Michigan" as recorded in Liber 35 Page 59, 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,

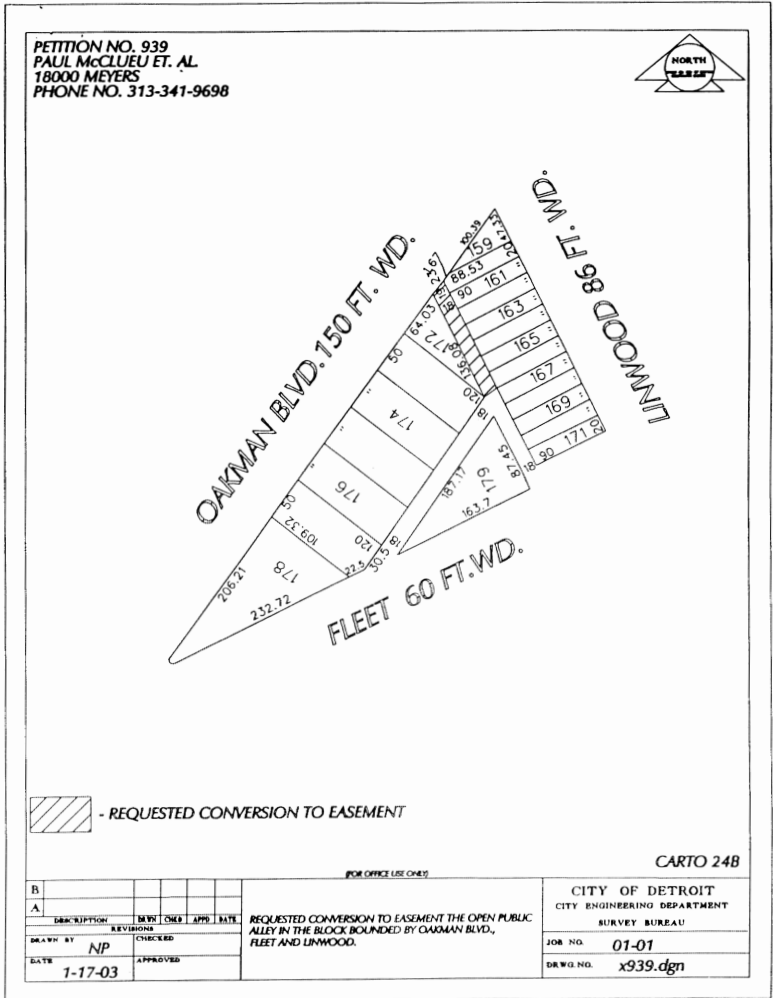
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering 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 entrances, (into Oakman Boulevard), 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, K. Cockrel, Jr., S. Cockrel, Everett, McPhail, Tinsley-Talabi, and President Mahaffey — 7.
 Nays — None.

Law Department

February 27, 2003

Honorable City Council:
 Re: Sharon McPhail v Ruth Carter & Kevin Kavanagh. Case No. 03-305475.

Representation by the Law Department of the City employees or officers listed below is hereby recommended, as we concur with the recommendation of the Head of the Department and believe that the City Council should find and determine that the suit against the Defendants arises out of or involves the performance

in good faith of the official duties of such Defendants. We further recommend that the City undertake to indemnify the defendants if there is an adverse judgment. We therefore, recommend a "YES" vote on the attached resolution.

Copies of the relevant documents are submitted under separate cover.

Employees or Officers requesting representation: Ruth Carter, Corporation Counsel, Kevin Kavanagh, Supervising Assistant Corporation Counsel.

Respectfully submitted,
 BRENDA E. BRACEFUL
 Deputy Corporation Counsel

By Council Member Everett:
 Resolved, that the Law Department is hereby authorized under Section 13-11-1 et. seq. of the Municipal Code of the City of Detroit and in accordance with the