

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 easements 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 easements, 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 alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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 Delaware and South LaSalle Gardens 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, S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Pro Tem. K. Cockrel, Jr. — 7.

Nays — None.

**Department of Public Works
City Engineering Division**

March 5, 2004

Honorable City Council:

Re: Petition No. 1116 — St. John Christian Methodist Episcopal Church, requesting for conversion of alley to easement in the area of Blaine and Gladstone.

Petition No. 1116 of “St. John Christian Methodist Episcopal Church”, requesting for conversion of the North-south, 20 feet wide, and a portion of the East-West 18 feet wide, public alleys into private easements for utilities and dedication of land for a new public alley outlet, 18 feet wide, all in the block bounded by Woodward Avenue, 100 feet wide, Second Boulevard, 80 feet wide, Blaine Avenue, 60 feet wide, and Gladstone Avenue, 60 feet.

The request was approved by the Solid Waste Division — DPW, and Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

City Council is requested to declare the city’s “intent” to accept the executable warranty deed and alley for public purposes; provided said property complies with the requirements of Detroit codes and ordinances No. 29-94, Detroit Code Section 2-1-11 through 2-1-15 also known as the “Environmental Review Guidelines”, also, provided that the alley is built to City of Detroit standard specifications, under City Engineering Division — DPW permits and inspection, and provided the Law Department concludes that the grantor possess the appropriate rights, title, and interest in properties to convey said land to the city for an alley outlet and other public purposes.

If the petitioner at any time plans to discontinue use of the paved alley entrances, (into Gladstone and Blaine

Avenues), 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 easement for utilities. Provision protect 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 Watson:

Resolved, All that part of the North-South public alley, 20 feet wide, lying Easterly of and abutting the East line of Lots 1 and 98, and lying Westerly of and abutting the West line of Lots 99 through 102, both inclusive; Also all that part of East-West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lots 1 through 5, both inclusive, and the East 32.00 feet of Lot 6, and lying Southerly of and abutting the South line of Lots 94 through 98, both inclusive, and the East 32.00 feet of Lot 93 all in the “McLaughlin Brother’s Subdivision of O.L. 4 and the Southerly 150 feet of O.L. 5 of the Subdivision of Quarter Section 45, 10,000 Acre Tract, Greenfield (Now Detroit), Wayne County Michigan” as recorded in Liber 14 Page 21, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alleys and is hereby converted into a private easements for public utilities of the full width of the alleys, which easements 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 alleys and by their heirs, executors, administrators and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the public easements or right-of-ways over said vacated public alleys 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 easements for the purpose above set forth.

Second, Said utility easements or right-of-ways in and over said vacated alleys 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

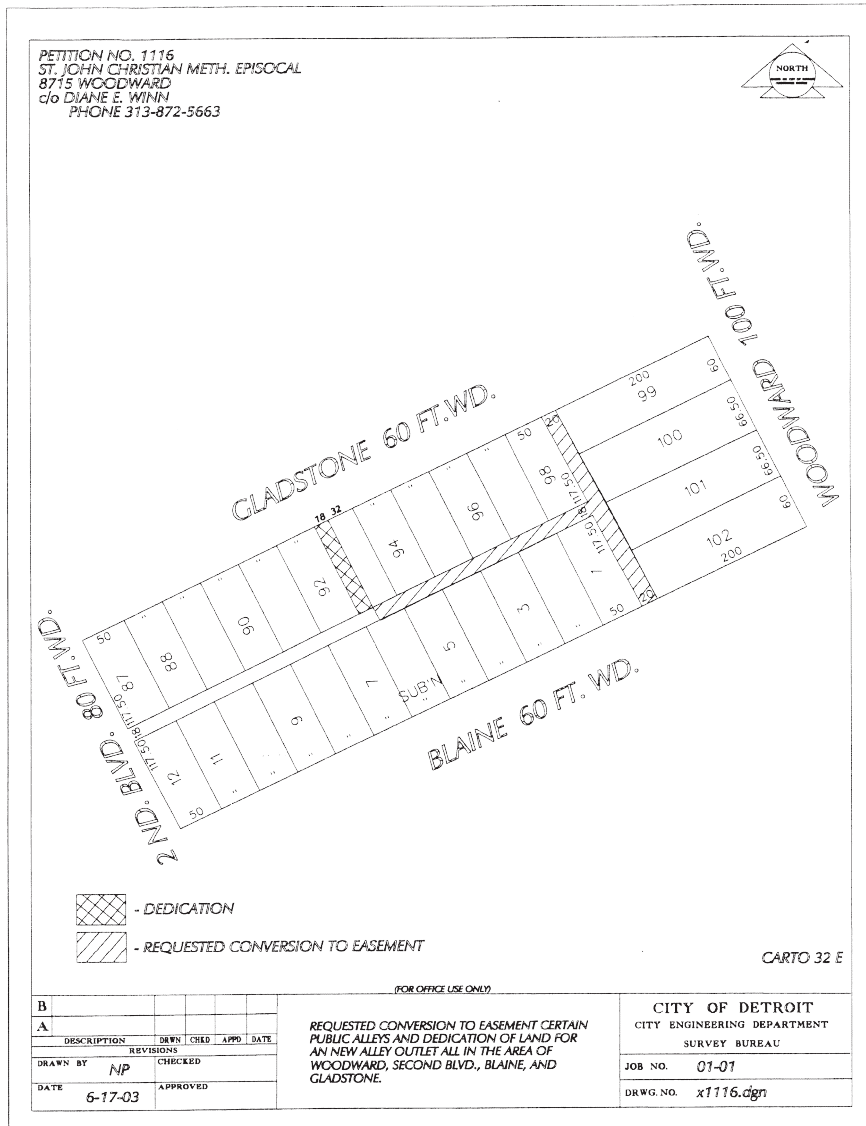
any utility facility placed or installed in the utility easements or right-of-ways. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easements with any necessary equipment to perform 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 easements, 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 alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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