

Corporation” of the terms thereof. Further, “Colasanti Corporation” shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the proposed encroachments; and further

Provided, The property owned by “Colasanti Corporation” and the encroachment shall be subject to proper zoning or regulated use (Board of Zoning Appeals Grant); and further

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and “Colasanti Corporation” acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and 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, Tinsley-Talabi, Watson, and President Mahaffey — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

March 29, 2004

Honorable City Council:

Re: Petition No. 1378 — Thamer Gasso et. al., for conversion of alley to easement in the area of 10020 and 10070 Gratiot Avenue.

Petition No. 1378 of “Thamer Gasso et. al”, request conversion of a portion of the North-South public alley, 18 feet wide, in the block bounded by Gratiot Avenue, 124 feet wide, Burchill Court, 30 feet wide, and Hurlbut Avenue, 60 feet wide into a private easement for utilities for the construction of a new parking lot.

The request was approved by the Planning and Development Department, 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 Hurlbut 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 a 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 Westerly of and abutting the West line of Lot 57 and lying Easterly of and abutting the East line of the North 18.57 of Lot 4, 5 through 9, both inclusive, the South 18.54 feet all in the “Cooper’s Subdivision of Part of Fractional Sections 22 and 23 T.1 S.R.12E. Township of Gratiot and Hamtramck (Now Detroit) Wayne County, Michigan” as recorded in Liber 26 Page 42, Plats, Wayne County Records; Also lying Westerly of and abutting the West line of Lot 1 in the “Burchill’s Subdivision of Part of Lots 11 to 18 and Lots 21 to 28 both inclusive of Christy’s Subdivision of Part of P.C.’s 257, 337, and 725 and Part of Fractional Sections 22 and 23 T.1S.R.12E. Hamtramck Township (Now Detroit) Wayne County Michigan” as recorded in Liber 30 Page 35, Plats, Wayne County Records; Also lying Easterly of and abutting the East line of the North 67.00 feet of Lot 20 in the “Christy’s Subdivision of part of Private Claims 257, 337, and 725 and part of fractional Sections 22 and 23 T1S.R.12E.” as recorded in Liber 23 Page 47, Plats, Wayne County Records;

Be and the same is hereby vacated as 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 tasks, 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 sur-

PETITION NO. 1378
 FRANKIE GAGGERS
 18620 GRATIOT
 PHONE NO. 313-573-4428

REQUESTED CONVERSION TO EASEMENT

U A DISTRICT ADDRESS CITY STATE ZIP	DIST. DIST. TIME. ACRES ADDRESS CITY STATE ZIP	REQUESTED CONVERSION TO EASEMENT A PORTION OF THE SECTION 1 - SOUTH LOTS PUBLIC UTILITY AREA OF GRATIOT HARPER AND HARLOT	CITY OF DETROIT CITY ENGINEERING DEPARTMENT DIVISION OF PERMITS PERM. NO. 10491 DATE REC'D 4/13/04
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face 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