

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 Racine 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 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 K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

September 16, 2004

Honorable City Council:

Re: Petition No. 2181 — Porfirio Lopez, requesting conversion to easement the public alley in the area of Dix and Stair.

Petition No. 2181 of "Porfirio Lopez", request conversion of the East-West public alley, variable width, (with a triangle portion Dedicated to the City of Detroit on November 29, 1955 J.C.C. Pgs. 2486 and 2487) North of Dix

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Avenue, 66 feet wide and East of Stair Avenue, 60 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 Stair Avenue), the petitioner shall pay all incidental removal costs.

All other city departments and privately owned utility companies have reported no objection to the conversion of the 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,
WILLIAM TALLEY
Head Engineer

City Engineering Division — DPW
By Council Member Watson:

Resolved, All that part of the East-West public alley, variable width, (with a triangle portion dedicated to the City of Detroit on November 29, 1955 — J.C.C. Pgs. 2486 and 2487) lying Northerly of and abutting the North line of Lots 177 through 180, both inclusive, and lying Southerly of and abutting the South line of Lot 181 and the public alley, 10 feet wide, (vacated on November 29, 1955 — J.C.C. Pgs. 2486 and 2487) all in the "Burn's Subdivision" of all that part of Lot 7 of the Subdivision of P.C. 60 lying between Dix Avenue and Michigan Central R.R. property, Township of Springwells, Wayne County Michigan as recorded in Liber 17 Page 3, 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 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,

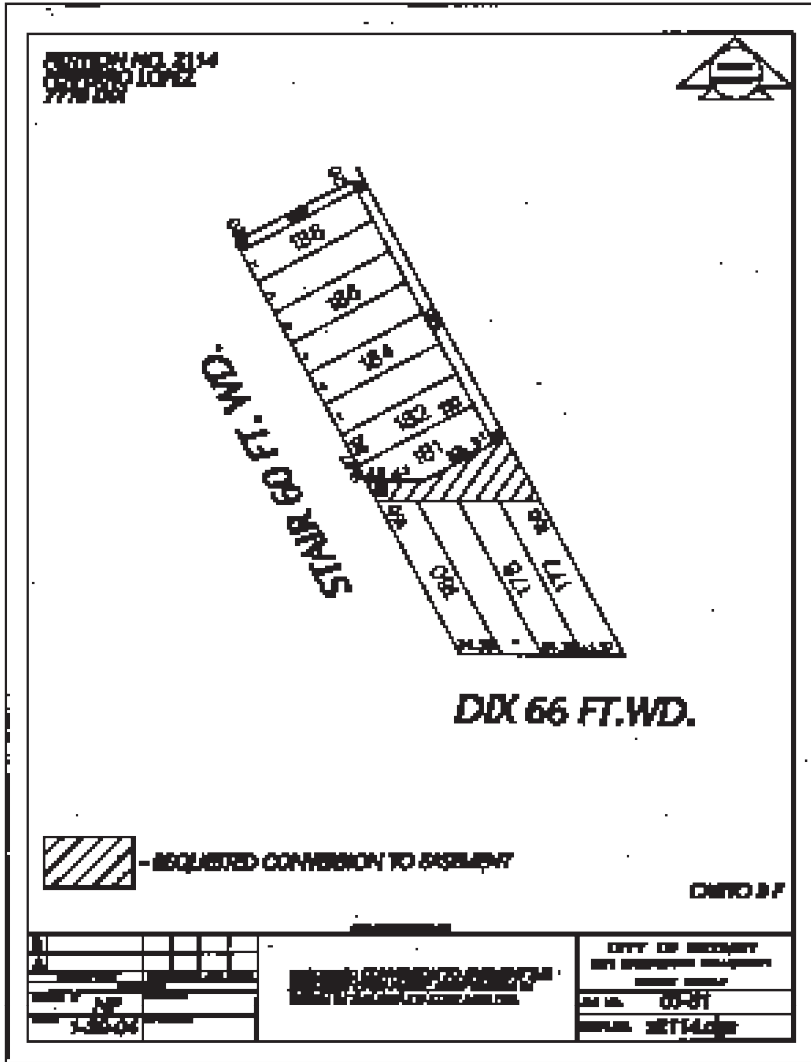
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easements, nor change of surface grade made, without prior approval of the City Engineering Division — DPW.

Fourth, That if the owners of any lots abutting on said vacated alley 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 entrance (into Stair 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 with-



in 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Resolved, The Planning and Development Department Director is hereby authorized to issue a quit-claim deed to transfer the following vacated public right-of-way for the fair market value and/or other valuable consideration:

Land in the City of Detroit, County of Wayne, State of Michigan; a triangular parcel of land lying in the South-East corner of Lot 181 of Burn's Subdivision of all that part of Lot 7 of the Subdivision of Private Claim 60, lying between Dix Avenue and Michigan Central Railroad Property, Springwells Township, Wayne County, Michigan, as recorded in Liber 17, Page 3 of Plats, Wayne County

Records, described as: Beginning at the South-East corner of said lot; thence North forty feet along the Easterly line of said lot, thence West on a course parallel to the Northerly line of said lot to a point on the Southerly line of said lot; thence East along Southerly line of said lot to the point of beginning.

Adopted as follows:

Yeas — Council Members K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

Department of Public Works
City Engineering Division
 September 16, 2004