

I am recommending adoption of the attached resolution.

Respectfully submitted,
RICHARD DOHERTY, P.E.

City Engineer
City Engineering Division — DPW
By Council Member Ayers:

Resolved, All of the east-west alley, 20 feet wide in the block bounded by Winchester Avenue 50 feet wide, East Eight Mile Road, 204 feet wide, Gallagher Avenue, 50 feet wide and Klinger Avenue, 50 feet wide lying southerly of and adjoining the southerly line of Lots 138 through 148 both inclusive "Assessors Base Line Superhighway Subdivision No. 4, A resub-division of Lots 1 to 8 inclusive, and part of Lot 9, 59 to 72 inclusive and part of Lot 58 and 74; 124 To 138 inclusive and part of 123 and 139; 189 to 203 inclusive and part of Lot 188 and 204; 254 to 268 inclusive and part of 253 and 269; 319 to 333 inclusive and part of 318 and 334; 384 to 398 inclusive and part of 383 and 399; 449 to 463 inclusive and part of 448 and 464; 514 to 527 inclusive and part of 513 and 528; 578 to 590 inclusive and part of 577 and 591 and vacated alleys of 'Seymour and Troester's Clairmont Park Subdivision' of the N. 1/2 of the N.E. 1/4 of Section 6, T.1S., R.12E., City of Detroit, Wayne County, Michigan" as recorded in Liber 63, Page 64 of Plats, Wayne County Records; also lying northerly of and adjoining the northerly line of that part of Lot 204 being the south 6.92 feet on the east line and being the south 8.84 feet on the west line, and the vacated alley adjoining, also lying northerly of and adjoining the northerly line of that part of Lot 188 being the south 6.26 feet on the west line and being the south 4.35 feet on the east line and the vacated alley adjoining "Seymour and Troester's Clairmont Park Subdivision of the N. 1/2 of the N.E. 1/4 of Section 6, T.1S., R.12E., Hamtramck Twp. (Now Detroit), Wayne County, Michigan" as recorded in Liber 52, Page 43 of Plats, wayne County Records.

Be and the same is hereby vacated as a public alley and 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 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 an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

Provided, That free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and

