

Law Department

February 19, 1990

Honorable City Council:

Re: Amended Resolution — Alley Conversion Petition No. 5973.

In 1977, action was taken by your Honorable Body to close a portion of the East/West alley between Manning, Liberal, Anvil and Regent, leaving Lots 217-218 and 244-245 open.

Since that time the owners of the above lots have agreed to close the balance of the alley behind Lots 217-218 and 244-245.

The attached resolution will reflect that closing.

Respectfully submitted,
BEVERLY J. HAYES
Supv. Asst. Corp. Counsel

Approved:

DONALD PAILEN
Corporation Counsel

By: ABIGAIL ELIAS
Deputy Corporation Counsel

By Council Member Butler:

Resolved, That all that part of alley lying behind Lots 217 and 218 and Lots 244 and 245 in the CRESENT PARK SUBDIVISION, a subdivision of part of the North 1/2 of the South 1/2 of Section 1, Town 1 South, Range 13 East, Gratiot Township, Wayne County, Michigan, as recorded in Liber 45, Page 27 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement for 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 easements or right-of-ways over said vacated public alley hereinabove described for the purpose 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 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 hereinabove 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 easements 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 or their heirs and assigns further agree that no buildings or structures of any nature whatsoever including but not limited to concrete slabs or driveways, retaining or partition walls (except necessary line fences) shall be built or placed upon said easement, nor any change or surface grade made, without prior approval by the Department of Public Works.

FOURTH, That if at any time in the future 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, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

PROVIDED FURTHER, That if any utility located or to be located in said

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

RESOLVED, That the City Clerk shall, within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds, and shall send a certified copy to the State Treasurer, and shall further transmit a copy of this resolution to the City Engineer, to the Law Department and to the Department of Public Works; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the Law Department shall notify the owners of the property abutting on such alley or portions thereof, and other necessary parties, that the alley or portions thereof have been vacated and converted in easement for utilities; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the City Engineer shall correct the official city maps and records; and be it further

RESOLVED, That upon the receipt of a copy of the resolution, the Department of Public Works shall adjust its garbage and refuse collection services accordingly.

Approved:

DONALD PAILEN
Corporation Counsel
By: ABIGAIL ELIAS
Deputy Corporation Counsel

Adopted as follows:

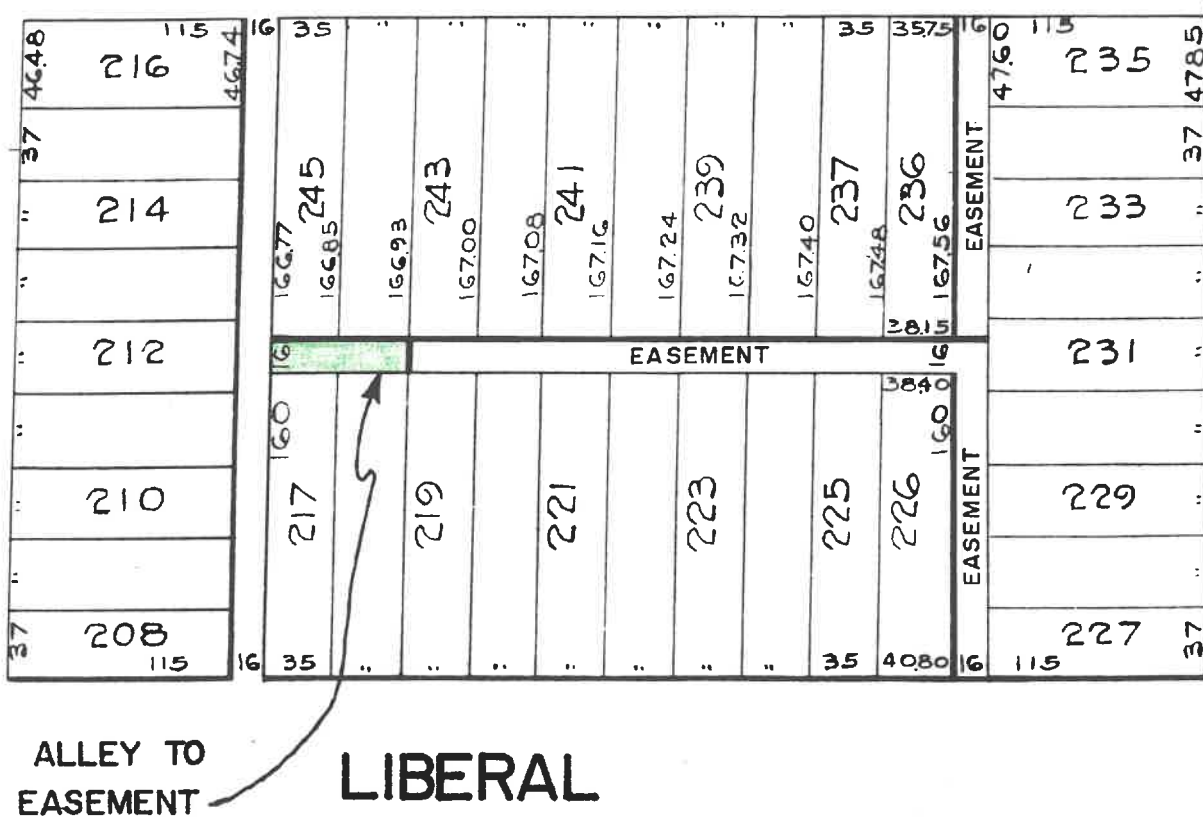
Yeas — Council Members Butler, Cleveland, Collins, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

FEB. 28, 1990
J.C.C. Pgs. 446-447

ANVIL

MANNING



REGENT

PET. NO. 5973
CARTO NO. 94-E