

G 27648

Easement No. 74-10
File: B of E

L19183-28876

AGREEMENT AND GRANT OF EASEMENT
FOR
WATER MAINS AND SEWERS

THIS AGREEMENT made and entered into this 21st day of October 1974, by and between the Board of Education of the School District of the City of Detroit, (5057 Woodward Avenue, Detroit, Michigan 48202), a Michigan public corporation and State agency, party of the first part; and the CITY OF DETROIT, a Michigan municipal corporation by and through its BOARD OF WATER COMMISSIONERS (735 Randolph Street, Detroit, Michigan), party of the second part, hereinafter sometimes referred to as the "BOARD".

W I T N E S S E T H:

WHEREAS, the party of the first part is the owner of all interests in the land from which the easement is to be created;

NOW, THEREFORE, the party of the first part for the consideration of the sum One Dollar (\$1.00), paid in hand by the party of the second part, the receipt thereof is hereby confessed and acknowledged, does hereby agree and covenant with the party of the second part as follows:

1. The party of the first part does hereby grant, convey and confirm unto the party of the second part an easement, twenty (20) feet wide, for the purpose of constructing, maintaining, operating, inspecting, replacing and/or repairing water mains and sewers and their appurtenances therein which said easement is described and shown in Exhibits "A", "B", and "C" attached hereto and made a part hereof. Said easement is located adjacent to the Redford Senior High School, 21431 Grand River Avenue, Detroit, Michigan 48219, being in the area generally bounded by Grand River Avenue, Chapel Avenue, Verne Avenue, and Westbrook Avenue.
2. The party of the first part hereby agrees that no building or structure, or any part thereof, of any nature whatsoever, shall be erected, constructed or permitted within the limits of the aforesaid easement set forth in Exhibits "A", "B", and "C" without the prior written approval of the BOARD, or its agent or agents, and that the easements shall be kept free at all times from any and all obstructions or obstacles, such as walls, fences, hedges, etc., which would impede free and easy access by the party of the second part and its necessary equipment to the said water mains, sewers and appurtenances; and that it will not alter the acceptable grades as noted on Exhibit "C" without the prior written approval of the BOARD, or its agent or agents, and if any building or structure is erected within the limits of said easement without the prior written approval of the BOARD, the party of the second part, or its agent or agents, are hereby

G 27648

RECORDED AUG 27 1975 AT 10 26
FOREST E. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

L19183 PAS77

authorized to enter upon the said easement and dismantle and remove any and all parts of any building or structure, etc., as erected or constructed thereon; and further agrees to waive all claims for damages against the party of the second part or any agent or agents thereof due to trespass or damage resulting from such dismantling, or removal, and to reimburse the party of the second part for the costs involved. Restoration of dismantled and removed structures and obstructions shall be by the party of the first part.

3. The BOARD, or its agent or agents, reserves the right to install suitable permanent sewer or water main location guideposts over its facilities at reasonable intervals and at any points of deflection within said easement.
4. The party of the first part hereby grants and conveys to the BOARD all water pipes, water mains, sewers and underground equipment and appurtenances for sewer and water facilities together with all hydrants now installed or which may hereinafter be installed within the limits of the easement as described in this agreement.
5. The party of the first part agrees to indemnify and save harmless the City of Detroit, its officers, employees and agents from liability upon any and all claims for damages on account of this agreement, and shall assume the defense and bear all costs and expenses of all suits which may be brought against the City of Detroit, its officers, employees or agents by reason of this agreement; PROVIDED, however, that nothing contained herein may be construed as rendering the party of the first part liable for acts of negligence of the party of the second part, its officers, employees or agents, as well as all costs and expenses of all suits which may be brought against the City of Detroit for such acts of negligence.
6. The parties hereto shall comply with all applicable fair employment practices, laws and ordinances, and require similar compliance by all parties contracted with pursuant to this agreement. Failure to so comply or to require compliance may be considered a material breach of this agreement.

L 19183 PA 878

THIS AGREEMENT shall inure to and be binding upon the heirs, successors or assigns of both parties.

IN WITNESS WHEREOF, the parties hereto have set their names and affixed their seals as of the day and year first above written.

WITNESSES:

CITY OF DETROIT, by its
BOARD OF WATER COMMISSIONERS

Harriett E. Abramsen
Harriett E. Abramsen

By: *Carrie J. Thompson*
Carrie J. Thompson, President

Nancy Branston
Nancy Branston

By: *Ernest Cedroni*
Ernest Cedroni, General Manager

Michael W. Korwin
ATTEST: Michael W. Korwin 7-28-75
Deputy City Clerk
BOARD OF EDUCATION
OF THE SCHOOL DISTRICT
OF THE CITY OF DETROIT

WITNESSES:

Eva L. Richey
Eva L. Richey

By: *Cornelius L. Golightly*
Cornelius L. Golightly President

Dorothy M. Rouselle
Dorothy M. Rouselle

By: *Sylvia B. Morosan*
Sylvia B. Morosan Assistant Secretary

Prepared By:

R. R. Sogge
1010 City-County Building
Detroit, Michigan 48226

Approved as to Form
By: *John L. Perentis*
John L. Perentis - Attorney

CITY OF DETROIT
Leon H. Atchison
Leon H. Atchison, Director
Purchasing Div., Finance Dept.
JAN 27 1975

APPROVED AS TO FORM AND EXECUTION
UPON EXECUTION BY PURCHASING DIRECTOR
FOR THE BOARD OF WATER COMMISSIONERS

Pls. return: Board of Water Commissioners
506 Water Board Building
Detroit, MI 48226 (H. Abramsen)

STATE OF MICHIGAN }
COUNTY OF WAYNE } SS.

L19183 PA 870

On this 26th day of August A.D. 1974, before me appeared Cornelius L. Golightly and Sylvia B. Morosan to me personally known, who being by me duly sworn, did say that they are the President and Assistant Secretary of the Board of Education of the School District of the City of Detroit, a statutory body corporate, created and existing under the laws of the State of Michigan, which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority and consent of its Board of Education and the said Cornelius L. Golightly and Sylvia B. Morosan acknowledged said instrument to be the free act and deed of said corporation.

Kenneth L. Gore
Notary Public

My Commission Expires: 10-12-76

KENNETH L. GORE
Notary Public, Wayne County, Michigan
My Commission Expires Oct. 12, 1976

STATE OF MICHIGAN }
COUNTY OF WAYNE } SS.

On this 21st day of October A.D. 1974, before me appeared Carrie J. Thompson and Ernest Cedroni to me personally known, who being by me duly sworn, did say that they are the President and the General Manager of the Board of Water Commissioners of the City of Detroit, a municipal corporation, created and existing under the laws of the State of Michigan, and that the seal affixed to the foregoing instrument is the corporate seal of the said corporation, acting by and through its Board of Water Commissioners and by authority and consent of the Common Council of the City of Detroit, Michigan and the said Carrie J. Thompson and Ernest Cedroni acknowledged the said instrument to be the free act and deed of the said City of Detroit, a municipal corporation.

Harriett E. Abramsen
Notary Public, Wayne County, Michigan
Harriett E. Abramsen

My Commission Expires: October 27, 1976

EXHIBIT "A"

L19183 PA 890

DESCRIPTION OF PREMISES: City of Detroit, Wayne County, Michigan, more particularly described as follows:

Part of lots 36-39, both inclusive of the Grand River Suburban Subdivision of part of the north 1/2 of Section 15, T. 1. S., R. 10 E. Redford Township and Village, Wayne County, Michigan, as recorded in Liber 35, Page 16, Plats, Wayne County records.

Also, all Alley Rights of Way adjacent and to the rear of lots 35 and 39 of the Grand River Suburban Subdivision within the survey limits defined below.

DESCRIPTION OF EASEMENT: City of Detroit, Wayne County, Michigan, more particularly described as follows:

A 20 foot wide underground easement, beginning at and centered upon a line between a point located in the center of the north-south 18 foot wide as now established public easement approximately 10 feet north of the south line of lot 39, and to the rear thereof, of Grand River Suburban Subdivision, and ending at and centered upon a point 5 feet west of the west property line of Westbrook Avenue at the center of the now vacated east-west 18 foot wide public alley located to the rear of part of lot 35, Grand River Suburban Subdivision, as further defined in Exhibit "B" and "C" (as built) attached hereto.

DESCRIPTION CORRECT
Engr. of Surveys

By W. Williams 8/14/44
DATE

LI 19183 PA 881

EXHIBIT "B"

Drawing "Survey of Part of the N.W. 1/4 of Sec. 15, City of Detroit, Wayne County, Michigan (See Legal Description above), Client: Detroit Board of Education" dated 10/27/69, Job No. 69-9-48, Sheet 1 of 2, prepared by Basney & Smith, Inc., 25200 W. Six Mile Road, Detroit, Michigan 48240, bearing the seal of William L. Roskelly, Registered Land Surveyor, No. 10705.

This page is substituted for the above described drawing for recording purpose only. The drawing is not in a condition suitable for micro-filming.

The drawing is on file in the records of the Board of Water Commissioners of the City of Detroit, Room 506, Water Board Building, 735 Randolph Street, Detroit, Michigan 48226.

L19183 PA882

EXHIBIT "C"

Drawing marked "AS-BUILT" titled "Redford High School Addition, San. & Storm Site Drainage, Detroit, Michigan", dated Rev. 7/27/72, Job No. 7007A, Sheet No. M-1B, prepared by Hoyem Associates, Inc., Consulting Engineers & Land Surveyors, 25 W. Long Lake Road, Bloomfield Hills, Michigan 48013 and bearing the approval block for Detroit Metro Water Department, Sewer No. 7249.

This page is substituted for the above described drawing for recording purposes only. The drawing is not in a condition suitable for micro-filming.

The drawing is on file in the records of the Board of Water Commissioners of the City of Detroit, Room 506, Water Board Building, 735 Randolph Street, Detroit, Michigan 48226.

Department of Public Works
March 10, 1982
Honorable City Council
Re: Petition No. 4346 B, Detroit Board of Education, Vacation and Conversion to easement of the streets and alleys in the area bounded by Grand River, Burgess, Verne and West McNichols.

The above petition requests the vacation and conversion of the streets and alleys in the above described area. The requested vacations and conversion into easement for public utilities was approved by Community and Economic Development Department. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

The petitioner has issued the following purchase orders which have been credited to the departments and accounts named, for the purposes indicated:

Water and Sewerage Department — Purchase Order No. 26038 \$1,500.00 for estimated cost of abandoning 36 water service connections in Burgess and Chapel Avenues. Public Lighting Department — Purchase Order No. 63182 \$105,513.00 the estimated cost to remove and relocate Public Lighting facilities in the area.

The petitioner has requested that the paved returns at the entrance to the streets and alleys to be vacated be removed by the Board's contractor. The DPW has no objection provided the work is done under City permit and inspection. A temporary easement is reserved in the vacating resolution for the Public Lighting Department for the maintenance of its installations located in the public right-of-way to be vacated.

Proper provisions are incorporated into the vacating resolution protecting

the City's interest in sewers located or to be located in the east-west public alley to be vacated.

All other involved city departments and privately-owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

Respectfully submitted,
LOUIS W. KLEI
City Engineer

Approved:
JAMES W. WATTS
Director

By Council Member Ravitz:

Resolved, That All That Part Of Chapel Avenue, 50 feet wide, lying between and abutting the north line of Verne Avenue and the south line of West McNichols Road as platted in the Cherry Subdivision of part of the north 15 acres of the east 30 acres of the Section 15, T.1 S., R.10 E., Redford Village, Wayne County, Michigan, as recorded in Liber 41, Page 79, Plats, Wayne County records.

Be and the same is hereby vacated as a public street and is hereby converted into a public easement for subsurface utilities of the full width of the street, 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 street and by their heirs, executors, administrators, forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over for subsurface utilities said vacated public street hereinafter 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 things usually placed or installed in a public street 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 owners for 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 of surface grade made, without prior approval by the Department of Public Works.

Third, that if at any time in the future the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement,

such owners, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal 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 of excessive weights of materials or construction not in accordance with Section 2, 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 Public Lighting Department hereby is granted a temporary easement for above described property until such time as construction is completed on the new underground system to serve petitioner's property, and be it further

Resolved, That all that part of the north-south public alley, 15 feet wide, in the block bounded by Burgess, Chapel, Verne and West McNichols abutting the rear line of Lots 99 to 120, the entire width of alley having been platted in Louis A. Miller's Subdivision in Redford Village in the N. W. ¼ of Section 15 in T.1 S., R.10 E., Wayne County, Michigan as recorded in Liber 28, Page 34, Plats, Wayne County records.

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property, and be it further

Resolved, That all that part of the east-west public alley, 15 feet wide in the block bounded by Burgess, Chapel, Verne and West McNichols abutting the rear line of Lots 1 and 2 of Louis C. Miller's Subdivision as recorded in Liber 28, Page 34, Plats, Wayne County records, and abutting the rear line of Lots 1 to 3 of the Cherry Subdivision as recorded in Liber 41, Page 79, Plats, Wayne County records.

Be and the same is hereby vacated as a public alley to become a part of the abutting property, subject to the following provisions:

Provided, That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and, as all times, shall have the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same, and further

Provided, That no building shall be constructed over said sewers without the prior approval of such building construction by the Sewer Service Section of the Water and Sewerage Department and the Department of Buildings and Safety Engineering; and further

Provided, In the event that the sewer located or to be located in said property shall break causing damage to any construction, property or materials above, the petitioner and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

Provided, That if the sewer 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 of excessive weights of materials, or any construction not in accordance with Provision 2, 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 sewer; and shall also be liable for all claims for damages from his action

Adopted as follows:
Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.
Nays — None.

Department of Public Works
City Engineering Division

March 11, 1982
Honorable City Council

Re: Petition No. 4988, McDonald Ford-East (Bob Maxey Lincoln Mercury) Conversion to Easement of the East-West Alleys in the Blocks bounded by Bishop, Harvard, Mack and Rosewood Avenues.

The above petition requests the conversion of the above described public alleys, 18 and 20 feet wide, into easements for public utilities. The requested conversion into easements for public utilities was approved by the Community and Economic Development Department. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated.

Department of Public Works — Intersection Fund #787.00

For the original cost of paving Graydon and the west one-half of Harvard Avenues at the intersection of the alleys to be vacated.

The petitioner has requested that the paved returns at the entrance to the alleys to be vacated remain in their present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-way into easements provided that proper provisions are incorporated into the vacating resolution protecting their installation located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
LOUIS W. KLEI
City Engineer

Approved:
JAMES W. WATTS
Director

By Council Member Ravitz:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Bishop, Graydon, Mack and Rosewood Avenues, abutting the southerly line of the westerly 134.69 feet of Lot 6 and the northerly line of Lots 2, 3 and 4 and the easterly 20.91 feet of Lot 1 and the westerly 23.74 feet of Lot 5 all inclusive of Volkening Overfield and Lyon's Subdivision of the southerly portion of Lot 6, P.C. 593, Township of Grosse Pointe, Wayne County, Michigan as recorded in Liber 15, Page 35, Plats, Wayne County records; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Graydon, Harvard, Mack and Rosewood Avenues lying northerly of and abutting the northerly line of Lots 109 to 120 as platted in Arthur J. Scully's Vogt Farm Subdivision of Lots 8, 9, the southerly ½ of Lot 10 and the part of Lot 7 lying north of Mack Avenue of the subdivision of the B.W. ¼ of P.C. 594; also parts lying between Mack Avenue and Warren Avenue of Lots 4 and 5 of the subdivision of the Front and Rear Concession of P.C. 585, also part of the east 27.14 feet of said Lot 4 lying north of Warren Avenue all in the City of Detroit, Wayne County, Michigan, as recorded in Liber 50, Page 94, Plats, Wayne County records;

Be and the same are hereby vacated as public alleys and are hereby converted into public easements 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:

STATE OF MICHIGAN } SS. G664887
CITY OF DETROIT }

I, JAMES H. BRADLEY, CITY CLERK of the City of Detroit, do hereby certify that the annexed paper is a true copy of a Resolution

adopted by the City Council on April 14, 1982

and approved by the Mayor on April 27, 1982

as appears from the Journal of said City Council, on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City, at Detroit, on

May 28, 1982

James H. Bradley
City Clerk
JAMES H. BRADLEY

G664887

RECORDED
MAY 28 1982
FORREST E. YOUNGBLOND, Register of Deeds
WAYNE COUNTY, MICHIGAN

U21402PA573

First, said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public alleys hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephons, 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 easements or rights-of-way in and over said vacated alleys 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 for 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 fire fence) shall be built or placed upon said easements, nor any change of surface grade made, without prior approval of the Department of Public Works.

Fourth, that if at any time in the future, the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities are located 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 2, 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 at any time in the future it becomes necessary to remove the paved alley returns at the entrance to the alleys to be vacated such removal will be done under City permit and Public Works specifications with all costs borne by the petitioner.

Adopted as follows:
Yeas - Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson - 8
Nays - None.

Department of Public Works
March 24, 1982
Honorable City Council:
Re: Petition No. 5056 Leonard Brothers Company, Conversion to Easement of Portions of the alleys in the blocks bounded by Green, Beard, Fort and the Fisher Freeway.

The above petition requests the conversion of the above-described public alleys, 10 and 15 feet wide into easements for public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

The petitioner has requested that the paved returns at the entrance to the alleys to be vacated remain in their present status as the petitioner plans to utilize same, and had agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-way into easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
L. W. KLEI
City Engineer

Approved:
JAMES W. WATTS
City Engineer

By Council Member Ravitz:
Resolved, That all that part of the 10 foot wide north-south alley and the 15 foot wide east-west alley in the block bounded by Green, Wilde, Fort and the Fisher Freeway as platted in J. Wilde's Subdivision of Outlot 2 of Scollen and Lovetta Subdivision of part of Private Claims 267 and 270 in Springwells T. 28, R. 11E, Wayne County, Michigan as recorded Liber 19, Page 81, Plats, Wayne County Records; also

All that part of the east-west public alley, 15 feet wide, in the block bounded by Wilde, Beard, Fort and the Fisher Freeway lying southerly of and abutting the southerly line of Lot 8 and northerly of and abutting the northerly line of Lots 1 to 4 and the westerly 19 feet Lot 3 of N. S. Irwin's Subdivision of Outlot 3 of Scollen and Lovetta's Subdivision of part of Private Claims 267 and 270 in Springwells, T. 28, R. 11E, Wayne County, Michigan, as recorded in Liber 22, Page 10, Plats, Wayne County Records;

Be and the same are hereby vacated as public alleys and are hereby converted into public easements 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 rights-of-way over said vacated public alleys hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephons, 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 rights-of-way in and over said vacated alleys 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 easements or rights-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 for 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 fire fence) shall be built or placed upon said easements, nor any change of surface grade made, without prior approval of the Department of Public Works.

Fourth, that if at any time in the future, 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, upon whose property the poles or other utilities are located 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 2, 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.

Adopted as follows:
Yeas - Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson - 8
Nays - None.

SS.

SHORT FORM - TRUE COPY CERTIFICATE

I, JAMES H. BRADLEY, CITY CLERK of the City of Detroit, do hereby certify that the annexed paper is a true copy of a Resolution

adopted by the City Council on April 14, 1982

and approved by the Mayor on April 27, 1982

as appears from the Journal of said City Council, on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City, at Detroit, on

May 28, 1982

James H. Bradley
City Clerk
JAMES H. BRADLEY

Department of Public Works
March 16, 1982
Honorable City Council:
Re: Petition No. 5883, John D. Romanowski, Request to Temporarily Close Harbor Island Avenue Between Ashland and Alter Road.

We are returning herewith Petition No. 5883 of John D. Romanowski requesting the temporary closing of Harbor Island Avenue between Ashland and Alter Road.

The temporary closing was approved by the Community and Economic Development Department.

All City departments and privately-owned utilities have reported that they have no objections to the proposed closing as long as the resolution grants them right of ingress and egress to their facilities.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
LOUIS W. KLEI
City Engineer

Approved:
JAMES W. WATTS
Director

By Council Member Ravitz:
Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to John D. Romanowski to close Harbor Island Avenue between Ashland and Alter, lying north of and abutting Lots 2 to 5 of Freud's Fox Creek Subdivision, as recorded in Liber 27, Page 2 of P.M.S. Wayne County Records, on a temporary basis for a period of five (5) years to expire on March 31, 1987.

Provided, Petitioner furnishes an agreement, in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the Finance Department; and further

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the Office of the Wayne County Register of Deeds by and at the permittee's expense; and further

Provided, That the grantee shall acquire no implied or other privileges not expressly stated herein; and further

Provided, That no building or other structure is constructed in said street; that petitioner shall observe the rules of the Department of Public Works, and further subject to the following provisions:

The City of Detroit retains all rights and interests in the area herein temporarily closed:

The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed street;

Provided, That, at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division, by and at the permittee's expense; and further

Provided, This resolution is revocable at the will, whim, or caprice of the City Council, and further that grantee acquires no implied or other privileges hereunder, not expressly stated herein.

Adopted as follows:
Yeas - Council Members Cleveland, Collins, Eberhard, Flood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson - 9.
Nays - None.

121402PA574

STATE OF MICHIGAN) SS.
CITY OF DETROIT)

SHORT FORM - TRUE COPY CERTIFICATE

I, JAMES H. BRADLEY, CITY CLERK of the City of Detroit, do hereby certify that the annexed paper is a true copy of a Resolution

adopted by the City Council on April 14, 1982

and approved by the Mayor on April 27, 1982

as appears from the Journal of said City Council, on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City, at Detroit, on

May 28, 1982

James H. Bradley
City Clerk
JAMES H. BRADLEY

F847883

By Councilman Eberhard:
Resolved, That all that part of Bentley Avenue, 30 feet wide, north of Verno Avenue, abutting the westerly line of lot 25, and the alley at the rear of lot 25 of the Grand River Suburban Subdivision of part of the North 1/4 of Section 15, T. 1 S., R. 10 E., Bedford Township and Village, Wayne County, Michigan, as recorded in Labor 35, Page 16, Plans, Wayne County records; also

All of the remaining 18 foot wide alleys in the block bounded by Chapel, Westbrook, Verno and Grand River Avenues platted in the above mentioned subdivision and as dedicated to the City of Detroit on January 19, 1939, said dedication being described as: "a portion of the N.W. 1/4 of Section 15, T. 1 S., R. 10 E., as recorded in Labor 35, Page 16, of Plans, of Wayne County records; thence along the westerly line of said Grand River Suburban Subdivision S. 00 deg. 08 min. 30 sec. W. 679.88 feet to a point on the northerly line of the 18 foot public alley lying first northerly of Verno Avenue, thence along said alley line and said line extended S. 89 deg. 58 min. 35 sec. W. 314.45 feet to a point; thence along a line due North 2.60 feet to a point; thence along a line N. 89 deg. 58 min. 35 sec. E. 504.45 feet to a point; thence along a line being 10 feet westerly of and parallel with the westerly line of said Subdivision N. 00 deg. 08 min. 30 sec. E. 659.88 feet to a point; thence along a line S. 50 deg. 43 min. 25 sec. E. 11.57 feet to the place of beginning."

Be and the same be hereby vacated as a street and alleys to become a part and parcel of the abutting property, subject to the following:

An easement for subsurface public utilities is hereby retained in the north-south alley, 20 feet wide, first westerly of Westbrook Avenue and north of Verno Avenue, lying westerly of and abutting the westerly line of lots 49 to 59 and the southerly ten feet of lot 39 of the Grand River Suburban Subdivision as recorded in Labor 35, Page 16, Plans, Wayne County records, 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 a subsurface easement or right of way under said vacated public alley hereinafore 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 things usually placed or installed under 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 owners for 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 fire fences) shall be built or placed upon said easement, nor be any change of surface grade made, without prior approval by the Department of Public Works.

THIRD, 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 utilities in said easement, such owners, upon whose property the 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), or such as storage of excessive weights of materials or construction not in accordance with Section 2, 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 Detroit Metro Water Department be and is hereby authorized to review the drawings for the lateral sewer to prepare the necessary specifications, and to issue a permit to the Petitioner (No. 2018) to cover the relocation by private contract of an existing lateral sewer in the north-south and east-west alley south of Grand River Avenue and west of Westbrook Avenue, and be it further

RESOLVED, That the entire work is to be performed in accordance with plans and specifications approved by Detroit Metro Water Department and constructed under the supervision of the Inspection Section of Detroit Metro Water Department, and be it further

RESOLVED, That the Petitioner grant to the City a satisfactory sewer right of way covering the relocated lateral sewer, and be it further

RESOLVED, That the entire cost of the lateral sewer construction including inspection, survey, and engineering shall be borne by the Petitioner, and be it further

RESOLVED, That the Petitioner shall deposit with the Detroit Metro Water Department in advance of engineering, inspection and survey such amounts as that department deems necessary to cover the cost of these services, and be it further

RESOLVED, That the petitioner furnish the Detroit Metro Water Department a synthetic (MYLAR) reproduction of the sewer drawings which were prepared for him by a registered professional engineer, and be it further

RESOLVED, That upon satisfactory completion of the sewer construction the sewer shall be City property and become part of the City sewer system.

Yes—Councilmen Browne, Eberhard, Henderson, Hood, Levin, Rogell, Van Antwerp and President KAVITZ —8.
Nays—None."

L18596 PA 8

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SEP 11 1973 AT 10:20 P
CLERK
BLAIR J. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

STATE OF MICHIGAN) SHORT FORM--TRUE COPY CERTIFICATE
CITY OF DETROIT) ss.

I, GEORGE C. EDWARDS, CITY CLERK of the City of Detroit, do hereby certify that the annexed paper is a True Copy of a Resolution

adopted by the Common Council on August 28, 1973

And approved by the Mayor on September 4, 1973

as appears from the Journal of said Common Council, on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City, at Detroit, on

September 13, 1973

George C. Edwards
City Clerk