

Councilman Hood then moved for adoption of the resolution as amended.

which motion prevailed as follows:
Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell and Wierzbicki—6.

Nays — President Ravitz—1.

Department of Public Works

February 22, 1972

Honorable Common Council:

Re: Petition No. 356; St. Paul's Housing Corporation, Inc. Alley bounded by Holmur, Dexter, Lawrence, and Humphrey Conversion to Easement.

Gentlemen — The above petition request the conversion of a portion of the public alleys 16 feet wide, in the above described block into an easement for public utilities.

The requested conversion into easement for public utilities was recommended by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley outlet into Lawrence. 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:

Public Lighting Commission Fund 990-9423 — \$200.00; For the estimated cost to relocate a lighting fixture.

The petitioner has also requested that the paved returns at the entrance to the alleys be removed and new curb and sidewalk be done by private contract. The Department of Public Works has no objection as long as the work is done by City permit and inspection and according to Department of Public Works specification.

A Warranty Deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley outlet into Lawrence. This Deed was approved as to form and execution by the Corporation Counsel and as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

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

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

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner.

By Councilman Rogell:

Resolved, That all that part of the north-south public alley, 16 feet wide, in the block bounded by Holmur, Dexter, Lawrence, and Humphrey, abutting the westerly line of lots 570 to 576 and abutting the easterly line of lots 569 and 577 and the 16 foot wide east-west alley between lots 569 and 577 all inclusive of Lewis and Crofoot's Subdivision No. 3 on the east 1/2 of Quarter Section 29, and the north 26.4 feet of the east 1/4 of Quarter Section 32 in the 10,000 Acre Tract in Greenfield Township, T.I.S., R. 11.E., Wayne County, Michigan, as recorded in Liber 25, Page 57, Plats, Wayne County Records; also

All that part of the east-west public alley, 16 feet wide in the above described block abutting the southerly line of lots 577 to 580 and the easterly 20 feet of lot 581; and abutting the northerly line of lots 566 to 569 and the easterly 20 feet of lot 565, all inclusive of the above mentioned subdivision;

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 right-of-way over said vacated public alleys 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 in public alleys 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 fence) shall be built or placed upon said easements, 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 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 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 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 Warranty Deeds of the Saint Paul's Housing Corporation, Inc., deeding land to the City of Detroit for alley purposes being described as:

The westerly 10 feet of Lot 565 and the easterly 10 feet of Lot 564 of Lewis and Crofoot's Subdivision as recorded in Liber 25, Page 57, Plats, Wayne County records.

Be and the same is hereby accepted and the City Controller is hereby directed to record said deed in the office of the Register of Deeds for Wayne County; and be it further

Resolved, That the newly dedicated alley may be paved with asphalt as long as it is done by City permit and inspection and according to Department of Public Works specification and that drainage shall be kept available in the paved parking area for said alley and that all costs shall be borne by the petitioner; and be it further

Resolved, That the removal of the paved alley returns may be done by private contract as long as it is done by City permit and inspection and according to Department of Public Works specification and that it and the construction cost of new sidewalks and curb be borne by the petitioner.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Wierzbicki, and President Ravitz — 7.

Nays — None.

Department of Public Works
February 16, 1972.

Honorable Common Council:
Re: Cancellation of Debris Removal Cost.

Gentlemen — In reviewing the Department of Public Works bill to Mr. John Gorunoff (4261) for lot cleaning as requested in Councilman Ravitz's letter of January 27, 1972, this department agrees with Mr. Gorunoff that the debris removed from his property could have come from the Hartwell Construction Company, a city contractor, who was paving the adjoining alley. In view of the fact that Mr. Gorunoff is willing to pay for the weed cutting on his property, it is recommended that Mr.

Gorunoff be refunded \$210.71 the difference between debris removal cost and weed cutting costs computed as follows.

Debris removal cost (billed and paid) — \$239.21.
Weed Cutting Cost — \$28.50.
Amount to be refunded — \$210.71.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner.

By Councilman Rogell:

Resolved, That the Department of Public Works be authorized to refund Mr. Gorunoff \$210.71 the difference between Debris Removal and Weed Cutting cost on his property and that the Controller honor voucher for said amount.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Wierzbicki, and President Ravitz — 7.

Nays — None.

Department of Public Works
February 17, 1972.

Honorable Common Council:
Re: Petition No. 2901: Mary C. Tozer, et al; Conversion to Easement of the 16 foot wide alley in the block bounded by Strathmoor, Mark Twain, Eaton and Chalfonte Avenues.

Gentlemen — The above petition requests the conversion of the north-south public alley, 16 feet wide, in the above described block into an easement for public utilities.

The requested conversion into easement for public utilities was recommended by the City Plan Commission. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

All City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said alley or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

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

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner.

By Councilman Wierzbicki:

Resolved, That all that part of the north-south public alley, 16 feet wide, in the block bounded by Strathmoor, Mark Twain, Eaton and Chalfonte Avenues lying between the rear lines of lots 64 to 85 and lots 96 to 117 all inclusive of "B. E. Taylor's Commodore Subdivision", lying north of Grand River Avenue, Greenfield Township, Wayne County, Michigan, being a part of the west 1/2 of the northeast 1/4 of Section 19, T.1.S., R.11.E., as recorded in Liber 41, Page 32, Plats, Wayne County records;