

bounded by Woodward, Bates, Larned, and Congress.

Returning herewith, Petition No. 7849 of the Community Development Commission requesting the temporary closing of the northerly 135 feet of the north-south alley, 20 feet wide, in the block bounded by Woodward, Bates, Larned, and Congress. Said portion of alley having been platted in Section 1 of the Governor and Judges Plan as recorded in Liber 34, Page 550, Deeds, Wayne County records.

The temporary closing 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 of the City departments and privately-owned utilities have reported that they have no objections to the proposed closing or that they have reached satisfactory agreement with the petitioner.

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

Respectfully submitted,
JAMES W. WATTS
 Commissioner

By Councilman Kelley:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permit to the Community Development Commission, owners of the property adjoining the above described alley, to close the northerly 135 feet of the north-south alley, 20 feet wide, in the block bounded by Woodward, Bates, Larned, and Congress having been platted in Section 1 of the Governor and Judges Plan as recorded in Liber 34, Page 550, Deeds, Wayne County records, on a temporary basis for a period not exceeding three (3) years from February 5, 1974;

Provided, That no building or other structure is constructed in said street; that petitioner shall observe the rules and regulations 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, and further

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 Department of Public Works, by and at the permittee's expense, and further

Provided, This resolution is

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

Adopted as follows:

Yeas — Councilmen Browne, Cleveland, Kelley, Mahaffey, and President Levin — 5.

Nays — None.

Department of Public Works

January 24, 1974

Honorable Common Council:
 Re: Petition No. 5985, Community Development Commission, Elmwood Park No. 3, Michigan R-123, Vacation of Streets and Alleys and Dedication of Street Turnaround

We wish to advise that in carrying out the development plan for a portion of the area known as Elmwood Park No. 3, Michigan R-123, which is being undertaken by the City pursuant to Act 344 of the Public Acts of 1945 as amended, the Community Development Commission has requested that a certain street and alleys be vacated and a new street turnaround be dedicated in the area bounded by Chene, Joseph Campau, Lafayette, and Macomb Avenues.

The Detroit Edison Company has replied that they have facilities that will have to be removed. They have submitted an estimated cost of \$494.00 to remove their facilities from the above described area.

The Michigan Bell Telephone Company has replied that they have facilities that will have to be removed. They have submitted an estimated cost of \$9,270.00 to remove their facilities from the above described area.

A recent Supreme Court decision requires that the private utility companies be compensated for alteration to their facilities in Urban Renewal areas.

The Community Development Commission has informed us that the following work will be done by private contract:

Detroit Metro Water Department: For the relocation of sewer flow. This work will be done under Contract No. FW-6518.

DPW - Street Maintenance Division: The removal of the street and alley returns will be done under Contract No. PW-6518.

The Community Development Commission has informed us that they will issue Interdepartmental Purchase Orders for the following:

Public Lighting Commission: For the relocation of their facilities from the area to be vacated.

Department of Streets and Traffic: The estimated cost to remove street signs from the area to be vacated is \$43.54.

DPW - Intersection Fund: For the original cost of paving the streets at the intersection with the street and

alleys to be vacated. This cost is \$297.00.

Fire Department: The estimated cost to relocate or abandon 3 fire hydrants is \$4,500.00.

Further, the construction of the new street turnaround will also be done under Contract No. PW-6518.

An easement is retained in Monroe Avenue in the vacating resolution for subsurface public utilities.

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

Respectfully submitted,

JAMES W. WATTS

Commissioner

By Councilman Kelley:

Whereas, the City of Detroit is undertaking the rehabilitation of the area known as Elmwood Park Project No. 3 pursuant to Act 344 of the Public Acts of 1945, as amended, and

Whereas, in order to carry out the development plan for this project it is necessary to vacate certain streets and alleys and to dedicate the land necessary for the street turnaround in Macomb Street; therefore be it

Resolved, that all that part of Monroe Avenue, 50 feet wide, between and abutting the easterly line of Chene Street and the westerly line of Joseph Campau; also

All that part of the east-west alley, 20 feet wide, in the block bounded by Chene, Joseph Campau, Lafayette, and Monroe Avenue; also

All that part of the north-south alley, 20 feet wide, in the block bounded by Chene, Joseph Campau, Lafayette, and Monroe Avenue; also

All that part of the east-west alley, 20 feet wide, in the block bounded by Chene, Joseph Campau, Monroe, and Macomb;

The above street and alleys appear in the following subdivisions:

1) Subdivision of part of Chene Farm between Catherine and Larned Streets as recorded in Liber 1, Page 29, Plats, Wayne County records;

2) G. W. Lee's Section of the Chene Farm being subdivision of lots 7, 8, 9, 10, 11, and 12, on the north and south sides of Congress, Fort, Lafayette, Croghan, and Macomb Streets (Croghan now Monroe) as recorded in Liber 1, Page 143, Plats, Wayne County records;

3) Theodore J. Campau's Subdivision of Block 22, Private Claim 609, as recorded in Liber 1, Page 213, Plats, Wayne County records;

4) Alexander T. Campau's Subdivision of Block 20, Private Claim 609, as recorded in Liber 1, Page 215, Plats, Wayne County records;

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

An easement in the northerly 20 feet of the southerly 28 feet of the

above described Monroe Avenue, 50 feet wide, is hereby reserved for the use of the public a subsurface easement or right of way under said vacated public street hereinabove 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,

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 easement nor any change of surface grade made, without prior approval by the Department of Public Works.

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 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), 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 upon proper application, the Department of Public Works shall issue to the Detroit Edison Company and the Michigan Bell Telephone Company permits to relocate their poles and lines from the areas vacated to public streets most conveniently located in reference to the vacated alleys and consistent with the public health, safety, convenience, and general welfare; and be it further

Resolved, That the Detroit Edison Company and the Michigan Bell Telephone Company are hereby directed to remove all their poles and lines from the vacated streets and alleys within thirty days after receipt of a copy of this resolution; and further

Resolved, That the Community Development Commission is hereby authorized and directed to pay the following estimated charges for

private utility removal or relocation:
 Detroit Edison Company \$494.00
 Michigan Bell Telephone Co. \$9,270.00

and be it further

Resolved, That the following described land is hereby dedicated for street purposes for the construction of the turnaround in Macomb Street westerly of Joseph Campau:

Land in the City of Detroit, Wayne County, Michigan, being a part of lots 1 to 8 of Theodore J. Campau's Subdivision of Block No. 22, Private Claim No. 609, as recorded on June 23, 1868, in Liber 1 on Page 213, Plats, Wayne County records, more particularly described as: Beginning at a point in the southerly line of Macomb Street, 50 feet wide, said point being N. 59 deg. 51 min. 29 sec. E, 645.18 from the intersection of the easterly line of Chene Street, 120 feet wide and the southerly line of Macomb Street, 50 feet wide, thence 72.26 feet along the arc of a curve, concave to the south, which has a radius of 69.00 feet, a delta of 60 deg. 0 min. 0 sec. and a long chord of 69.00 feet which bears N. 89 deg. 51 min. 29 sec. E., to a point of reverse curve; thence 180.64 feet along the arc of a curve, concave to the west, which has a radius of 69.00 feet, a delta of 150 deg. 0 min. 0 sec. and a long chord of 133.30 feet which bears N. 44 deg. 51 min. 29 sec. E., to a point on the southerly line of Macomb Street; thence S. 59 deg. 51 min. 29 sec. W., to the point of beginning, and be it further

Resolved, That the City Clerk is hereby directed to mail to the Detroit Edison Company and the Michigan Bell Telephone Company a certified copy of this resolution.

Adopted as follows:

Yeas — Councilmen Browne, Cleveland, Kelley, Mahaffey, and President Levin — 5.

Nays — None.

Department of Public Works
 January 23, 1974

Honorable Common Council:
Re: Petition No. 5621. William D. Marsh, et al. Temporarily Close the north-south alley first west of Second Avenue, between Canfield and Prentis Avenues.

Returned herewith is Petition No. 5621 of William D. Marsh, et al, requesting the temporary closing of the north-south alley, 15.84 feet wide, first west of Second Avenue, between Canfield and Prentis.

The requested temporary closing 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 have no objection as long as their facilities are not disturbed.

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

Respectfully submitted,
 JAMES W. WATTS
 Commissioner

By Councilman Kelley:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permit to William D. Marsh, et al, owners of the property adjoining the alley herein concerned, to close the north-south alley, 15.84 feet wide, first west of Second Avenue, between Canfield and Prentis Avenues, lying westerly of and abutting the rear line of lots 1 to 4 of James A. Jones' Subdivision of lots 20, 21, and 22, Block 100, Cass Farm as recorded in Liber 7, Page 16, Plats, Wayne County records for a period not exceeding three (3) years from January 29, 1974,

Provided, That petitioner shall be subject to any tax which may be levied against it pursuant to law with regard to such use of public property, and further

Provided, Petitioner first furnishes an Agreement, in form approved by the Corporation Counsel, 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 provided for the faithful performance by the grantee of the terms hereof, and files same with the City Controller, 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 no building is constructed in said alley, that petitioner shall observe the rules and regulations 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 alley, and further

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 the condition satisfactory to the Department of Public Works, by and at the permittee's expense, and further

Provided, This resolution is revocable at the will, whim or caprice of the Common Council, and further,