

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 or 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 sewers; and shall also be liable for all claims for damages resulting from this action, and be it further

RESOLVED, That all that part of the L shaped north-south and east-west alleys, 12.25, 10 and 16 feet wide, southerly of South Street, between Rademacher and Reid Avenues all having been platted in the following subdivisions:

Gorman's Addition of Lots 3 to 12, both inclusive, of Johanna Hennesey's Plat of Outlot 84 and 79 of Crawford's Subdivision of Fort Tract being in Private Claims 270, 267, and 268 as recorded in Liber 25, Page 7, Plats, Wayne County records;

F. G. Russell's Subdivision of Lot 78, Crawford's Fort Tract, Springwells, Wayne County, Michigan, as recorded in Liber 14, Page 48, Plats, Wayne County records,

All of the above described alleys lie between and abut the easterly line of Rademacher Avenue, 50 feet wide, and a line at right angles to a point 40 feet southerly of the north line of lot 30 of Gorman's Addition as described above,

Be and the same are hereby vacated as public alleys and are hereby converted into subsurface public easement of the full width of the alleys, 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 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 a subsurface easement or right 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, telephone, electric light conduits 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 subsurface 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 easement, nor any change of surface grade made, without prior approval by the Environmental Protection and Maintenance Department,

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 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 the Warranty Deed of the Board of Education deeding land to the City of Detroit for alley purposes described as

The south 20 feet of the north 60 feet of lot 30 of Gorman's Addition of Lots 3 to 12, both inclusive, of Johanna Hennesey's Plat of Outlots 84 and 79, of Crawford's Subdivision of Fort Tract, being Private Claim 270, 267, and 268, as recorded in Liber 25, Page 7, Plats, Wayne County records,

Be and the same is hereby accepted and the Finance Director is hereby directed to record said deed in the office of the Register of Deeds for Wayne County.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

**Environmental Protection and  
Maintenance Department**

December 9, 1976

Honorable City Council:

Re: Petition No. 3365, International Minerals and Chemical Corporation. Temporary Closing of Sunset north of Nancy and the Vacation of the alley north of Nancy and east of Sunset.

Returned herewith is Petition No. 3365 of the International Minerals

and Chemical Corporation requesting the temporary closing of Sunset Avenue north of Nancy and the vacation of the east/west 20 foot wide alley north of Nancy and east of Sunset.

The temporary closing and vacation was approved by the Community and Economic Development Department with the stipulation that the temporary closing be granted for a three (3) year period.

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

An appropriate resolution containing all of the necessary provisions including those recommended by the Community and Economic Development Department is attached for consideration by your Honorable Body.

Respectfully submitted,  
JAMES W. WATTS,  
Director

By Council Member Mahaffey:

RESOLVED, That all that part of the east-west public alley, 20 feet wide, north of Nancy Avenue and east of Sunset Avenue as opened on April 19, 1938, and having been platted as "the southerly 20 feet of the northerly 25 feet of lot 175 of Downie's Aladdin Subdivision of the southwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 8, T.1S., R.12E., as recorded in Liber 35, Page 54, of Plats of 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 the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permit to the International Minerals and Chemical Corporation, 17350 Ryan Road, to close Sunset Avenue between the north line of Nancy and the Detroit Terminal Railroad Yards, said street having been platted in Downie's Aladdin Subdivision as recorded in Liber 35, Page 54, Plats, Wayne County records, on a temporary basis for a period not to exceed three (3) years from December 16, 1976;

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

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 no building or other structure is constructed in said street; that petitioner shall observe the rules of the Environmental Protection and Maintenance Department, 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, Where a gate is placed across the temporarily closed street, it shall remain unlocked 24 hours a day, unless a guard is stationed near the gate to allow the utilities ingress and egress at any time to and from the temporarily closed street. The minimum dimensions of gate, or gates, shall provide 13 foot vertical and 13 foot horizontal clearances for freedom of equipment movement.

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 Environmental Protection and Maintenance Department, be 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 Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

Environmental Protection and  
Maintenance Department  
December 8, 1976

Honorable City Council:

Re: Petition 4049, General Motors Corporation, Conversion to Easement of St. Aubin Avenue from Holbrook to the Detroit City Limits with Hamtramck.

The above petition requests the conversion of the above described portion of St. Aubin Avenue, 60 feet wide, into an easement 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 also requested that the paved return at the entrance to St. Aubin remain in its present