

toward the cost of the paving of the newly opened street, including necessary storm water drainage and a six-foot high chain link fence on each side of the newly opened street;

Now, Therefore, Be It Resolved, That the Common Council hereby approves the recommendations and conditions for opening and constructing a new public street as outlined in the foregoing communication; and

Resolved Further, That a portion of the Department of Public Works' Southfield Yard described as:

All that part of the S.E.  $\frac{1}{4}$  of Section 26, Town 1 S., Range 10 E., City of Detroit, Wayne County, Michigan, "Beginning at a point in the west line of the Southfield Freeway, 204 feet wide, said point being distant N. 01d 42m 55s W., 241.55 feet and N. 03d 05m 23s W., 83.49 feet from the intersection of the west line of said Southfield Freeway and the north line of Capitol Avenue, 40 feet wide, thence along a line S. 88d 34m 00s W., 1,526.07 feet to a point; thence along a line N. 01d 41m 04s W., 50.00 feet to a point; thence along a line N. 88d 34m 00s E., 1,524.85 feet to the west line of said Southfield Freeway; thence along the west line of Southfield Freeway S. 03m 05m 23s E., 50.02 feet to the point of beginning."

Be and the Same is Hereby Allocated for street purposes, which street shall be known as Borman Avenue, subject to the following provisions:

1) That Borman Food Stores Incorporated, completes the purchase of approximately 31 acres of the Chesapeake and Ohio Railway property which lies west of and adjacent to the Department of Public Works' Southfield Yard, for the purpose of developing said property into a Food Processing and Wholesale Distribution Center.

2) A sum not exceeding \$60,000 of the cost of paving, including the necessary storm water drainage and fencing for the above mentioned newly opened street shall be borne by the Borman Food Stores, Incorporated, subject to any refund as hereinafter provided; and

Resolved Further, That Borman Food Stores, Incorporated, shall deposit the sum of \$60,000 toward the cost of paving, drainage facilities, and fencing for the new street with the City Treasurer within 30 days of adoption of this resolution; provided, in the event the total cost of said improvements as aforesaid are, as determined by the City Engineer, less than \$60,000 Borman Food Stores, Incorporated, shall receive a refund from the City of any sum not so expended for said improvements; and Resolved Further, That the City of Detroit does hereby grant to Borman Food Stores, Incorporated, its agents, sub-contractors, and employees, the

right of ingress and egress in and over existing roadways now available in the Department of Public Works' Southfield Yard for the purpose of delivering construction equipment and supplies to the proposed development, until such time as the newly allocated street is physically improved during the 1966 Construction Season; provided that Borman Food Stores, Incorporated, shall furnish a standard Owners Protective Liability Policy covering the City of Detroit against liability arising out of the use of existing roadways as contemplated herein. Said Insurance Coverage shall be not less than One Hundred Thousand Dollars (\$100,000) in respect to death or injury of any one person, and Three Hundred Thousand Dollars (\$300,000) in respect to any one accident in the case of public liability; and which shall be not less than One Hundred Thousand Dollars (\$100,000) in respect to any one accident and an aggregate amount of Two Hundred Thousand Dollars (\$200,000) in respect to property damage; and

Resolved Further, That in the event the City determines to construct another street along the north side of the Southfield Yard, after construction of the Jeffries Freeway, which street shall be suitable to and serve Borman Food Stores, Incorporated, then Borman Food Stores, Incorporated will join with the City in executing such documents as are necessary to vacate the street hereinabove opened and dedicated through the Department of Public Works' Southfield Yard; and

Resolved Further, That said street that may be constructed along the north side of the Southfield Yard after construction of the Jeffries Freeway, shall serve the Borman Food Stores, Incorporated property and will be opened and paved with heavy duty pavement at no cost to Borman Food Stores, Incorporated.

Adopted as follows:

Yeas — Councilmen Beck, Miriani, Ravitz, Van Antwerp and President Carey—5.

Nays—None.

Department of Public Works  
May 12, 1966.

Honorable Common Council:

Gentlemen—Petition No. 11018, of Post Lane Farms, Inc., et al., request the vacation of Langley Avenue, between Twelfth Street and the New York Central Railroad. The requested vacation was approved by the City Plan Commission and then referred to this department for investigation and report. This has been completed and the petition returned herewith.

As per our directive, the petitioner paid into the City Treasury, the sum of \$148.00, Receipt No. A-43260, credited to the Department of Public

Works Street Maintenance Fund Code No. 143-6241, said amount being the original cost of paving the west one-half of Twelfth Street at the intersection of Langley Avenue to be vacated.

The Department of Water Supply reported that they will be unaffected by the change and that they have no objection to the vacation of Langley Avenue provided that proper provisions are incorporated into the vacating resolution protecting their interests located in the street.

The petitioner has requested that the paved street return at the entrance to the street to be vacated remain in its present status as the plans to utilize same and has agreed by letter filed with the original petition to pay all costs incidental to the removal at such time in the future as the removal becomes necessary.

All other City departments and privately owned utility companies reported that they have no objection to the vacation of said street or that they have reached satisfactory agreements with the petitioner regarding their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
**GLENN C. RICHARDS,**  
 Commissioner.

By Councilman Beck:

Resolved, That all of Langley Avenue, 50 feet wide, between Twelfth Street 54.84 feet wide, and the New York Central Railroad Right-of-Way, as platted in William B. Wessons' Section of the Thompson Farm, City of Detroit, Wayne County, Michigan, as recorded in Liber 1, Page 31 of Plats Wayne County Records described as follows:

Beginning at the intersection of the northerly line of Langley Avenue, 50 feet wide, with the westerly line of Twelfth Street, 54.84 feet wide; thence westerly along the northerly line of Langley Avenue to a point in the southeasterly line of the New York Central Railroad Right-of-Way; thence southwesterly along the Railroad Right-of-Way to a point in the southerly line of Langley Avenue; thence easterly along the southerly line of Langley Avenue to the Westerly line of Twelfth Street, 54.84 feet wide; thence northerly along the westerly line of Twelfth Street, to the point of beginning.

Be and the same is hereby vacated as a public street to become a part and parcel of the adjoining property subject to the following provisions:

1) Provided, An easement is retained for the Department of Water Supply across a portion of the vacated street described as follows: Beginning at the intersection of the south line of Langley Avenue, 50 feet wide, with the west line of Twelfth Street, 54.84 feet wide; thence westerly along the southerly line of Langley Avenue,

36.40 feet to a point; thence northerly along a line 36.40 feet westerly of and parallel to Twelfth Street, 20.00 feet to a point; thence easterly along a line 20.00 feet north of and parallel to the south line of Langley Avenue, 36.40 feet to a point in the west line of Twelfth Street; thence southerly along the westerly line of Twelfth Street, 20.00 feet to the point of beginning.

2) Provided, That by reason of granting of the easement, the Department of Water Supply does not waive any rights to the water mains located therein and that free and easy access to the mains within the easement shall be provided at all times, to permit proper operation, maintenance, and if required, alteration or repair of the mains.

3) Provided, That no building or structure of any nature whatsoever shall be built upon the easement or underground without prior approval of the Department of Water Supply.

4) Provided, That if the water mains located in said easement 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 excess weights of materials, or change in grade, or any construction not in accord with Provision No. 3 mentioned above) then in such event, the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damaged mains and waives all claims for damages.

Adopted as follows:

Yeas — Councilmen Beck, Miriani, Ravitz, Van Antwerp and President Carey—5.

Nays—None.

Department of Public Works  
 May 16, 1966.

Honorable Common Council:  
 Gentlemen — Your Committee of the Whole referred to this office for investigation and report the petitions of Mrs. Charles Griffin, No. 349; Albert Blaine, Jr., No. 581; Joe Brown, No. 687; J. W. Burke, No. 688; Clarence Ternes, No. 840; requesting permission to construct or maintain garages or utility sheds which will encroach into the easements located in the rear of their lots.

The Department of Public Works has made a field investigation of the above petitions and a summary of our findings are as follows:  
 Petition No. 349—Mrs. Griffin's lot is only 90 feet deep including a ten-foot easement in the rear. Her existing garage encroaches 5 feet into the 10-foot easement. There are no utility poles or other garages near the existing encroachment.

Petition No. 581—Mr. Blaine's lot is 109 feet deep including a four foot easement in the rear. He wishes to maintain his portable utility shed encroaching 4 feet into the four foot