

without the new alley outlet into Cadieux Avenue being a requirement.

All City departments and privately owned utility companies reported that they have no objection to the conversion of said alley into an easement provided proper provisions are incorporated into the vacating resolution protecting their interests in the installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

ROBERT E. TOOHEY,
Commissioner.

By Councilman Miriani:

Resolved, That all that part of the north-south public alley, 20 feet wide, south of Harper Avenue between Cadieux Avenue and Oldtown Avenue as platted in Otto H. Helm's Subdivision of Part of Lot 44 of Michael Cadieux Estates Subdivision of Part of P.C. 506 and P.C. 564, City of Detroit, Wayne County, Michigan, are recorded in Liber 60 of Plats, Page 82, Wayne County Records lying east of and adjoining the easterly line of Lots 1 to 14, both inclusive, east of and adjoining the easterly line of the southerly 5.00 feet of Lot 15, west of and adjoining the westerly line of the southerly 31.00 feet of Lot 21 and lying west of and adjoining the westerly line of Lots 22 to 28, both inclusive, all of the above mentioned subdivision.

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, 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 an easement or right-of-way over said vacated public alley hereinabove described for the purpose of installing, maintaining, repairing, removing, or replacing any sewer conduit, telephone, telegraph, electric light or other 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 owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever (except necessary line fence) shall be built or placed upon said easement.

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 poles or other utilities in said easement, such owners upon whose property the poles or other utilities are located shall pay all costs incident

to such removal and/or relocation unless such charges are waived by the utility owners.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—9.
Nays—None.

Department of Public Works

October 18, 1966.

Honorable Common Council:

Gentlemen — Petition No. 11702 of Louis M. Elliman, et al, requests the vacation of Madola Avenue between Castle Avenue and Lynch Road, and also the vacation of certain portions of alleys south of Madola Avenue west of Castle Avenue. The petitioner has subsequently requested that this petition be changed from a vacation of the above mentioned street and alleys to a conversion of same into easements for public utilities. The requested conversion into public easements was approved by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley outlet into Lynch Road. The petition was then referred to this office for investigation and report. This has been completed and the petition returned herewith.

As per our directive, the petitioner deposited with the City Treasurer the sum of \$982.73, Receipt No. C-13783, credited to the Department of Water Supply Fund Code No. 600(0000)-(6232)001, said amount being the estimated cost of the work involved in abandoning an existing 8-inch water main located in Madola Avenue.

The petitioner also deposited with the City Treasurer the sum of \$950.00, Receipt No. A-18288, credited to the Detroit Fire Department Fund Code No. 990-9406, said amount being the estimated cost of the work involved in relocating or abandoning two fire hydrants located in that part of Madola Avenue to be converted into an easement.

The petitioner also deposited with the Permit Division of the Department of Public Works the sum of \$1,400.00, Receipt No. GR-14126, said amount being the estimated cost of constructing a new curb at the entrance of that portion of Madola Avenue to be converted and installing a new concrete return and stoning and grading the newly dedicated alley.

We are in receipt of a Quit Claim Deed from the petitioner to the City of Detroit deeding land for the new alley outlet into Lynch Road. Said 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.

There are two existing frame buildings located on the land being deeded

for alley purposes. The petitioner has agreed, by letter filed with the original petition, to demolish these buildings upon final adoption of a resolution by your Honorable Body converting the street and alleys into public easements, with all costs being borne by the petitioner. This Department has no objection to the petitioner's request provided the demolition is done in accordance with requirements of the Department of Buildings and Safety Engineering and under its inspection, and the filling of the basement is done under D.P.W. permit in accordance with City specifications and inspection.

All other City departments and privately owned utility companies reported that they have no objections to the conversion of the street and alleys into easements, provided that proper provisions are incorporated into the vacating resolution protecting their interests in the installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT E. TOOHEY,
Commissioner.

By Councilman Miriani:

Resolved, That all that part of Madola Avenue, 60 feet wide, north of Lynch Road, which was deeded to the City of Detroit on October 12, 1926, being more particularly described as follows: Beginning at the intersection of the west line of Madola Avenue, 60 feet wide, as opened, with the north line of Lynch Road, as now established, said point being distant No. 88d 18m E., 128.82 feet and N. 1d 42m W., 3.84 feet from the southwest corner of Lot 8 of Enos Laderoot's Subdivision of Part of Section 15, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 1, Page 234 of Plats, Wayne County Records; thence continuing N. 1d 42m W., along the westerly line of Madola Avenue, 55.84 feet to a point in the south line of Madola Avenue, 30 feet wide, thence N. 63d 32m E., along the south line of Madola Avenue, 30 feet wide, 66.08 feet to a point on the east line of Madola Avenue, 60 feet wide; thence S. 1d 42m E., along the east line of Madola Avenue, 60 feet wide, 84.60 feet to a point in the north line of Lynch Road, as now established, thence S. 89d 15m 54s W., along the north line of Lynch Road, 60.01 feet to the point of beginning.

Be and the same is vacated as a public street and is hereby converted into a public easement, 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 grantees and assigns, and their heirs, executors, administrators, and assigns forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public street hereinabove described for the purpose of installing, maintaining, repairing, removing, or replacing any sewer, conduit, telephone, telegraph, electric light or other poles 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 easements for the purposes above set forth;

Second, said owners for their heirs and assigns further agree that no building or structures of any nature whatsoever (except necessary line fences) shall be built upon said easements;

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 easements, such owners upon whose property the poles or other utilities are located shall pay all costs incident to such removal and/or relocation, unless such charges are waived by the utility owners; and further

Resolved, That the City Controller is hereby authorized and directed to issue Quit Claim Deed to Louis M. Elliman and Mollie Elliman, his wife, to the above-mentioned vacated street and that the Corporation Counsel is directed to prepare said deed, and further

Resolved, That all of the northerly 30.00 feet of Madola Avenue, west of Castle Avenue, as platted in Engel's Subdivision of a portion of Fractional Section 15, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 11, Page 73 of Plats, Wayne County Records, lying between the westerly line of Castle Avenue, extended northerly and the westerly line of Madola Avenue, 60 feet wide as deeded to the City of Detroit on October 12, 1926, extended northerly; the south 20.00 feet of said Madola Avenue as platted in Siebert's Lynch Avenue Subdivision of Part of Lots 7 and 8 of the Subdivision of Enos Laderoot Farm of Part of Lot 6 of the Subdivision of John B. Laderoot Farm of Part of Fractional Section 15, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 46, Page 40 of Plats, Wayne County Records, lying north of and adjoining the northerly line of Lots 66 to 77, both inclusive, and lying north of and adjoining the northerly line of the public alley, 18 feet wide adjoining Lot 77, all of the above mentioned subdivision.

Also, all that part of the east-west public alley 20 feet wide, west of Castle Avenue between Lynch Road and Madola Avenue, as platted in Siebert's Lynch Avenue Subdivision, as recorded in Liber 46, Page 40 of Plats, Wayne County Records, lying north of and adjoining the northerly line of Lots 1 and 2, north of and adjoining the northerly line of the westerly 13.00 feet of Lot 3, south of and adjoining the southerly line of the westerly 61.00 feet of Lot 77 and lying south of and adjoining the southerly line of the public alley, 18 feet wide, adjoining Lot 77, all of the above mentioned subdivision.

Also, all of the north-south public alley, 18 feet wide, south of Madola Avenue, west of Castle Avenue as platted in Siebert's Lynch Avenue Subdivision as recorded in Liber 46, Page 40 of Plats Wayne County Records, lying west of and adjoining the westerly line of Lot 77, of the above-mentioned subdivision.

Be and the same are hereby vacated as public streets and alleys and are hereby converted into public easements of the full width of the streets and 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 street and alleys and by their grantees and assigns, and their heirs, executors, administrators, and assigns forever, to wit;

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public streets and alleys hereinabove described for the purpose of installing, maintaining, repairing, removing, or replacing any sewer, conduit, telephone, telegraph, electric light or other poles or things usually placed or installed in a public street and 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 building or structures of any nature whatsoever (except necessary line fences) shall be built upon said easements;

Third, that if at any time in the future the owners of any lots abutting on said vacated streets and 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 incident to such removal and/or relocation, unless such charges are waived by the utility owners; and further

Resolved, That the Quit Claim Deed of Louis M. Elliman and Mollie Ell-

man, his wife, deeding land to the City of Detroit for alley purposes being described as: The easterly 20.00 feet of Lot 3 of Siebert's Lynch Avenue Subdivision of Parts of Lots 7 and 8 of Enos Laderoot Farm and Part of Lot 6 of John P. Laderoot Farm of Fractional Section 15, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 46, Page 40 of 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 further

Resolved, That all the above described street and alley conversions and acceptance of the deed shall become effective only upon the completed demolition of the buildings and backfilling of the basement located on Lot 3 of Siebert's Lynch Avenue Subdivision, as recorded in Liber 46, Page 40 of Plats, Wayne County Records, with all costs involved in the demolition and backfilling to be borne by Louis M. Elliman, his heirs, executors, administrators or assigns; and further

Resolved, That the demolition of the buildings involved shall be done under Department of Buildings and Safety permit and inspection, and that the filling of the basement of the house shall be done under a D.P.W. permit and inspection in accordance with City standards and specifications.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—9.
Nays—None.

Department of Public Works

October 24, 1966.

Honorable Common Council:

Gentlemen — Petition No. 940 of Bruce B. Mack, et al, requests the conversion of the westerly half of the east-west public alley north of Lyndon Avenue between Westbrook Avenue and Blackstone Avenue into an easement for public utilities. The requested conversion 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.

All City departments and privately owned utility companies reported that they have no objection to the conversion of the alley into an easement, provided that proper provisions are incorporated into the vacating resolution protecting their interests in the installations located in said alley.

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT E. TOOHEY,
Commissioner.