

future the owners of any lots abutting on said vacated streets 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.

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 or 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 petitioner shall remove the paved street return, construct new curb and walk, backfilling where necessary at entrance of Rosemont north of Weaver; and shall remove the concrete pavement at the future deadend of Rosemont north of Weaver, construct new curbs and install new catch basins and necessary sewer lines at said deadend of Rosemont north of Weaver. The petitioner shall also remove north half of pavement in portion of Rosemont north of Weaver which becomes Department of Parks and Recreation property and backfill, place top soil and sod area in Rosemont from which pavement has been removed, all by private contract under City permit and in accordance with City specifications and inspection, and that all costs for such improvements shall be borne by the petitioner, his heirs, executors, administrators, or assigns.

Adopted as follows:
Yeas—Councilmen Beck, Hood, Ravitz, Rogell, Van Antwerp and President Carey—6.
Nays—None.

Department of Public Works

November 21, 1967

Honorable Common Council:

Re: Petition No. 12507—Nathan Land Company; Vacation of alleys north of Stone Street between Wabash Railroad and Woodmere Avenue.

Gentlemen—The above petition requests the vacation of the north-south and east-west public alleys, ten and twelve feet wide, north of Stone Street between the Wabash Railroad and Woodmere Avenue. The requested vacation was approved by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley outlet into Stone Street. 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 fol-

lowing deposits with the City Treasurer, which have been credited to the following departments and accounts named for the purposes indicated: Public Lighting Commission, Fund 990-9423, Receipt No. A-19433, \$425., for the estimated cost to remove two wood poles, three spans of wire, one alley light, and install one span of wire; Department of Public Works, Street Maintenance Division, Fund 143-6241, Receipt No. A-19435, \$1,600., for the estimated cost to construct a new alley return and stone and grade the newly deeded alley; Street Maintenance Division, Fund 143-6241, Receipt No. A-19434, \$287.34, for the original cost of paving the north one-half of Stone Street at the intersection of the alleys to be vacated.

A Quit Claim Deed has been received from the petitioner deeding to the City of Detroit land for the new alley outlet into Stone Street. 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.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public right-of-way to be vacated.

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

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT E. TOOHEY,
Commissioner

By Councilman Rogell:

Resolved, That all that part of the east-west and north-south alleys, north of Stone Street, east of Woodmere Avenue as platted in the Wiegert and Hackstein's Subdivision of that part of lot 2, east of Dearborn Avenue, Plat of part of Private Claim 340 Detroit, Wayne County, Michigan as recorded in Liber 25, Page 6 of Plats, Wayne County Records, abutting the north, east and southeasterly lot lines of lot 48 of the above subdivision.

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

1) Provided, That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and, at all times, shall have the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same; and further

2) Provided, That no building shall be constructed over said sewers with-

out the prior approval of such building construction by the Sewer Design Section of the Department of Water Supply and the Department of Buildings and Safety Engineering; and further

3) 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 petitioners and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

4) 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 sewer; and further

Resolved, That the Warranty Deed of Nathan Land Company to the City of Detroit for an alley outlet into Stone Street, being in fact lot 49 of Wiegert and Hackstein's Subdivision of that part of lot 2, east of Dearborn Avenue, Plat of Part of Private Claim 340 Detroit, Wayne County, Michigan, as recorded in Liber 25, Page 6 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.

Adopted as follows:

Yeas—Councilmen Beck, Hood, Ravitz, Rogell, Van Antwerp and President Carey—6.

Nays—None.

Department of Public Works

December 14, 1967

Honorable Common Council:

Re: Petition No. 4763—Kerr Manufacturing Company, et al; Conversion to Easement of Alley bounded by McGraw, Marquette, Vermont, 12th Street

Gentlemen—The above petition requests the conversion of the east-west and north-south public alley, 15 and 20 feet wide, first west of 12th Street between McGraw and Marquette into an easement for public utilities. The requested conversion into easement for public utilities was approved 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,

The petitioner has made the following deposits with the City Treasurer, which have been credited to the de-

partments and accounts named, for the purposes indicated: Public Lighting Commission, Fund 990-9423, Receipt No. A-25575, \$110.00. for the moving of a light mast arm and associated equipment; Department of Public Works, Street Maintenance Division, Fund 143-6241, Receipt No. A-25576, \$77.00, for the original cost of paving McGraw at the intersection of the north-south alley to be vacated.

The petitioner has also requested that the paved return at the entrance to the alley to be vacated remain in its present status as the petitioner plans to utilize same, and had agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

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

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT E. TOOHEY,
 Commissioner

By Councilman Van Antwerp:

RESOLVED, that all that part of the north-south public alley, 15 feet wide, first west of 12th Street, between McGraw and Marquette, lying west of and adjoining the westerly line of lots 1 to 9, lying east of and adjoining the easterly line of lots 61 and 62, lying east of and adjoining the easterly line of the vacated east-west public alley, 20 feet wide, adjoining lots 61 and 62, lying east of and adjoining the easterly line of the vacated east-west public alley, 20 feet wide, said vacated alley lying north of and adjoining the northerly line of lot 62, inclusive of Sibley Place Subdivision of that part of the Thompson Farm north of the Grand Trunk Railroad and west of 12th Street, Detroit, Wayne County, Michigan, as recorded in Liber 11, Page 66, Wayne County records; also

All that part of the north-south public alley, 15 feet wide, first west of 12th Street between McGraw and Marquette lying east of and adjoining the easterly line of the westerly 34.20 feet of lots 55, 56 and 57; and lying east of and adjoining the easterly line of the westerly 34.20 feet of the southerly 12.00 feet of lot 54, inclusive of Corliss and Andrus Boulevard Park Subdivision of part of fractional Section 1. T. 2. S., R. 11. E., and fractional section 36, T. 1. S., R. 11. E., as recorded in Liber 23, Page 57, Plats, Wayne County records; also

All that part of the east-west public alley, 20 feet wide, first south of