

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

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.

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.

Adopted as follows:

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

Department of Public Works

October 2, 1967.

Honorable Common Council:

Re: Petition No. 2303— H. Giese and Company Vacation of Grandmont from Joy Road to C. & O. Railroad and alleys east and west thereof

Gentlemen — The above petition requests the vacation of Grandmont Avenue from Joy Road to the C. & O. Railroad and also the public alleys east and west of Grandmont Avenue.

The requested vacation 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 deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated: Department of Water Supply Fund 600 (0000) (6232)001, Receipt No. C-13896, \$776.01, for the estimated cost and the remaining equity in the water main located in the street to be vacated. The petitioner has also requested that the paved return at the entrance to Grandmont Avenue remain in its present status as the petitioner plans to utilize same, and has 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. An easement is reserved in the vacating resolution for the Public Lighting Commission and

the Michigan Bell Telephone Company.

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 Hood:

RESOLVED, That all of Grandmont Avenue between Joy Road and the C. & O. Railroad right-of-way as platted in Maday Minors Estate Subdivision of part of the East 1/2 of the S. W. 1/4 of Section 36, T.1.S., R.10 E., City of Detroit, Wayne County Michigan as recorded in Liber 53 Page 75 of Plats, Wayne County Records adjoining Lots 27 and 28, Lots 125 to 131 both inclusive, and adjoining the public alleys lying between Lots 27 and 126 and between Lots 28 and 125, all of the above-mentioned subdivision; also

All of the east-west public alley, 20 feet wide, east of Grandmont Avenue north of Joy Road as platted in Maday Minors Estate Subdivision as recorded in Liber 53, Page 75 of Plats Wayne County Records adjoining Lots 125 and 28 to 34 both inclusive, and adjoining the public alley, 10 feet wide, abutting Lot 34, all of the above-mentioned subdivision; also

All of the north-south public alley, 10 feet wide, north of Joy Road, east of Grandmont Avenue, as platted in Maday Minors Estate Subdivision as recorded in Liber 53, Page 75 of Plats Wayne County Records adjoining Lots 34 to 38, both inclusive, of the above-mentioned subdivision; also

All that part of the east-west public alley, 20 feet wide, north of Joy Road west of Grandmont Avenue as platted in Maday Minors Estate Subdivision as recorded in Liber 53, Page 75 of Plats Wayne County Records adjoining Lot 126 and Lots 23 to 27 both inclusive, and adjoining the easterly 1.00 foot of Lot 22, all of the above-mentioned subdivision.

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

- 1) PROVIDED, An easement or right-of-way is hereby reserved for the Michigan Bell Telephone Company and the Public Lighting Commission over the above-described street and alleys for the purpose of maintaining, repairing, removing, or replacing the Michigan Bell Telephone Company's and the Public Lighting

Commission's facilities located therein; and further

2) PROVIDED, That no buildings or structures of any nature whatsoever shall be constructed over said easement unless prior approval is obtained from the Michigan Bell Telephone Company and the Public Lighting Commission; and further

3) 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 in the southerly 123 feet of Grandmont Avenue and the east-west alley west of Grandmont, north of Joy Road as previously described, 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

4) PROVIDED, That no building shall be constructed over said sewers without 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

5) 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

6) 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 at any time in the future the removal of the paved street return at the intersection of Grandmont Avenue to be vacated becomes necessary, the entire cost of such removal shall be paid by H. Giese and Company, its heirs, successors, or assigns.

Adopted as follows:

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

Nays—None.

Department of Public Works

September 20, 1967

Honorable Common Council:

Re: Petition No. 821—Detroit Gas Burner Company, Vacation of Alley east of Cadieux between Neveaux and Denver.

Gentlemen—The above petition requests the vacation of the north-south public alley, 14 feet wide, east

of Cadieux between Neveux and Denver.

The requested vacation 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 departments and accounts named, for the purposes indicated: Public Lighting Commission, Fund 990-9423, Receipt No. A-12908, \$300.00 for the estimated cost of relocating P.L.C. communication overhead lines from the alley to be vacated; Department of Public Works, Street Maintenance Division, Fund 143-6241, Receipt No. A-12909, \$209.23 for original cost of paving the south one-half of Denver Avenue at the intersection of the 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 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 Hood:

Resolved, That all of the north-south public alley, 14 feet wide, east of Cadieux Avenue between Neveux Avenue and Denver Avenue as platted in Block 2 of "Columbia" Freund's Subdivision of Lots 26 to 33, inclusive of Michael Cadieux Estate, P. C.'s 506 and 564, Grosse Pointe (now City of Detroit) Wayne County, Michigan as recorded in Liber 17, Page 93 of Plats, Wayne County Records lying east of and adjoining Lots 1 to 7, both inclusive, west of and adjoining the westerly line of Lots 8 and 13, and lying west of and adjoining the westerly line of the vacated alley lying between Lots 8 and 13, all of the above mentioned subdivision.

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property; and further

Resolved, That at any time in the future the removal of the paved alley return at the entrance to the alley to be vacated becomes necessary, the entire cost of such removal shall be paid by the Detroit Gas Burner