

Nays—None.

Department of Public Works  
January 20, 1967.

Honorable Common Council:  
Re: Petition No. 2683, Angell-Richard Company, Easement Vacation.

Gentlemen—The above petition requesting the vacation of a portion of the east-west public easement, 16 feet wide, east of Ackley Avenue between Varney Avenue and Benham Avenue, was referred to this department for investigation and report.

This has been completed and the petition returned herewith.

Proper provisions are incorporated into the vacating resolution protecting the City's interests in the sewer located in the easement to be vacated.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said easement 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 that part of the east-west public easement, 16 feet wide, east of Ackley Avenue between Varney Avenue and Benham Avenue, said easement is in fact the part of the east-west public alley, 16 feet wide, which was converted into an easement on April 3, 1951, J.C.C. Page 717 and being platted in H. L. Bakers Subdivision of Lots 16, 17, 18, 19, and the west one-half of 20, of the Subdivision of the N. 1/2 of Section 28, and the N. E. fraction of Section 29, T. 1 S., R. 12 E., as recorded in Liber 9, Page 55 of Plats Wayne County Records lying south of and adjoining the southerly line of Lots 51 to 60, both inclusive, and north of and adjoining the northerly line of Lots 102 to 111, both inclusive, all of the above mentioned subdivision.

Be and the same is hereby vacated as a public easement 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 without 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

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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.

Adopted as follows:

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

Nays—None.

Department of Public Works  
January 20, 1967.

Honorable Common Council:  
Re: Petition No. 2845  
Stanley F. Corbell  
Alley Vacation

Gentlemen—The above petition requesting the vacation of the east-west temporarily closed, public alley, 20 feet wide, south of Grand River Avenue between Telegraph Road and Short Avenue, was approved by the City Plan Commission and referred to this department for investigation and report. This has been completed and the petition returned herewith.

The petitioner has requested that the paved alley return at the entrance to the alley to be vacated 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 the return at such time in the future as the removal becomes necessary.

All other City departments and privately owned utility companies have reported that they will be unaffected by the proposed vacation 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,  
ROBERT E. TOOHEY,  
Commissioner.

By Councilman Miriani:

Resolved, That all of the east-west public alley, 20 feet wide, which was temporarily closed on November 11, 1965, J.C.C. Page 2805, and being platted in Assessor's Kenmoor Resubdivision of Lots 1 to 128, 146 to 150, 179 to 182, 219 to 222, 269 to 273, 325 to 329, 390 to 393, 462 to