

Nays—None.

Department of Public Works  
September 28, 1967

Honorable Common Council:

Re: Petition No. 3661—Mr. Ed's Lounge, Savannah Avenue and Alleys North and South thereof—Conversion to Easement.

Gentlemen—The above petition requests the conversion of Savannah Avenue, 50 feet wide, and the public alleys north and south 10 feet wide, 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:

All City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said street or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

ROBERT E. TOOHEY,  
Commissioner.

By Councilman Ravtiz:

Resolved, That all that part of Savannah Avenue, 50 feet wide, between the Grand Trunk Western Railroad right-of-way and the Walter P. Chrysler Freeway, as platted in Kiefer Homes Subdivision of part of the Southeast ¼ of the Northwest ¼ of Section 12 and part of Northeast ¼ of the Southwest ¼ of Section 12, Town 1 South, Range 11 East lying east of the D. G. H. and M. R. R., Greenfield Township, Wayne County, Michigan as recorded in Liber 34, Page 14, Plats, Wayne County records, adjoining lots 385 to 388 and lots 414 and 415, and adjoining the 10-foot wide public alley abutting lots 388 and 414, inclusive, of the above mentioned subdivision; also

All of the east-west public alley, 10 feet wide, in the block bounded by Nevada Avenue, Savannah Avenue, the Grand Trunk Western Railroad right-of-way, and the Walter P. Chrysler Freeway, adjoining lots 414 and 415, and adjoining the public alley, 10 feet wide, abutting lot 414, inclusive of the above mentioned subdivision; also

All of the north-south public alley, 10 feet wide, east of the Grand Trunk Western Railroad right-of-way, north of Savannah Avenue adjoining lot 388 and adjoining the Grand Trunk Western Railroad right-of-way, inclusive of above mentioned subdivision; also

All of the north-south public alley, 10 feet wide, east of the Grand Trunk

Western Railroad right-of-way, south of Savannah Avenue adjoining lot 414 and the Grand Trunk Western Railroad inclusive of the above mentioned subdivision.

Be and the same is hereby vacated as a public street and alley and is hereby converted into a public easement of the full width of the street and 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 street and 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 street and alley hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, gas lines or mains, sewers, telephone, electric light conduits or 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 including but not limited to concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or 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 street and 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.