

recorded in Liber, 53, Page 89 of Plats Wayne County Records lying east of and adjoining the easterly line of Lots 162 to 179, both inclusive, and lying west of and adjoining the westerly line of Lots 180 to 200 both inclusive, all of the above mentioned subdivision; also,

All of the north-south public alley 18 feet wide, in the block bounded by Fordale, Mellon, Marshall and Lowdell, as platted in Oakwood Boulevard Manor Subdivision as recorded in Liber 53, Page 89 of Plats Wayne County Records lying east of and adjoining the easterly line of Lots 180 to 200, both inclusive, and lying west of and adjoining the westerly line of Lots 201 to 224, both inclusive, all of the above mentioned subdivision.

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

Resolved, That all of the east-west public alley, 20 feet wide, south of Mellon Avenue, east of Fordale Avenue, as platted in Oakwood Boulevard Manor Subdivision of Part of P.C. 671, City of Detroit, Wayne County, Michigan as recorded in Liber, 53, Page 89 of Plats Wayne County Records lying north of and adjoining the northerly line of Lot 180, north of and adjoining the northerly line of the public alley adjoining Lot 180, south of and adjoining the southerly line of Lots 82 to 89, both inclusive, and lying south of and adjoining the southerly line of the westerly 9.22 feet of Lot 81, 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 purposes of installing, maintaining, repairing, removing, or replacing any sewer conduit, water main, gas lines or mains, telephone, 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 including but not limited to driveways and retaining walls (Except necessary line fence) shall be built or placed upon said easement, 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.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Ravitz, Van Antwerp and President Pro Tem Mirlani—5.

Nays—None.

Department of Public Works

August 9, 1967

Honorable Common Council:

Re: Petition No. 395 — Vacation of State Street - Detroit Housing Commission.

Gentlemen—We wish to advise that in carrying out the development plan for the area known as the Central Business District Project No. 1, Michigan R-3, which is being undertaken by the City pursuant to Act 344 of the Public Acts of 1945, as amended, the Detroit Housing Commission has requested the vacation of a portion of State Street between Second Avenue and First Street.

The Detroit Edison Company has reported that it has underground lines located in the street to be vacated and has submitted an estimate of \$722 as its cost to remove and/or abandon their installations from the street to be vacated.

The Michigan Consolidated Gas Company has reported that they have a gas main located in the street to be vacated and has submitted an estimate of \$852.66 as its cost to abandon the main.

Your Honorable Body may make provisions for the relocation of said lines of the Detroit Edison Company and the Michigan Consolidated Gas Company in the streets located near the street to be vacated.

The Corporation Counsel contends that any costs incurred in the removal of equipment from the street to be vacated are not chargeable against the City.

All City departments and other private utility companies reported that they will be unaffected by the vacation of said street.

In view of the foregoing, it will be necessary to adopt a resolution vacating a portion of State Street between Second Avenue and First Street and directing the Detroit Edison Company and the Michigan Consolidated Gas Company to remove their installations therefrom.

Respectfully submitted,
ROBERT E. TOOHEY,
Commissioner

By Councilman Beck:

Whereas, The City is undertaking the rehabilitation of the area known as the Central Business District Pro-

ject No. 1, pursuant to Act 344 of the Public Acts of 1945, as amended, and Whereas, In order to carry out the development plan for this project, it is necessary, among other things, for the City of Detroit to vacate the following street:

All that part of State Street, 40 feet wide, east of Second Avenue as platted in Cass Western Addition to the City of Detroit between Chicago Road and Grand River as recorded in Liber 42 Pages 138, 139, 140, and 141 of Deeds Wayne County Records lying north of and adjoining the northerly line of Lots 4, 5, 6, and 7, of Block 49, north of and adjoining the northerly line of the vacated alley lying between Lots 6 and 7, Block 49, south of and adjoining the southerly line of Lots 6, 7, 8, and 16, of Block 53, and lying south of and adjoining the southerly line of the vacated alley lying between Lots 8 and 16 of Block 53.

Resolved, that the above described street is hereby vacated as a public street to become a part and parcel or the adjoining property; and be it further

Resolved, that upon proper application, the Department of Public Works shall issue to the Detroit Edison Company and the Michigan Consolidated Gas Company permits to relocate their lines and mains from the vacated street to public streets most conveniently located in reference to the vacated street and consistent with the public health, safety, convenience, and general welfare; and be it further

Resolved, That the Detroit Edison Company and the Michigan Consolidated Gas Company are hereby directed to remove all their pipes, poles, and wires from the vacated street without expense to the City within thirty (30) days after receipt of a copy of this resolution; and be it further

Resolved, That the City Clerk is hereby directed to mail to the Detroit Edison Company and the Michigan Consolidated Gas Company a certified copy of this resolution; and be it further

Resolved, That the southerly 15.00 feet of State Street, 40 feet wide, west of First Street as platted in the Cass Western Addition to the City of Detroit between Chicago Road and Grand River as recorded in Liber 42, Page 138, 139, 140 and 141 of Deeds Wayne County Records lying north of and adjoining the northerly line of Lot 1 of Block 49, and lying north of and adjoining the northerly line of the vacated alley, 15 ft wide, adjoining Lot 1 of Block 49, of the above mentioned subdivision.

Be and the same is hereby vacated as a public street 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 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 upon proper application, the Department of Public Works shall issue to the Detroit Edison Company and the Michigan Consolidated Gas Company permits to relocate their lines and mains from the vacated street to public streets most conveniently located in reference to the vacated street and consistent with public health, safety, convenience, and general welfare; and be it further

Resolved, That the Detroit Edison Company and the Michigan Consolidated Gas Company are hereby directed to remove all their pipes, poles, and wires from the vacated street without expense to the City within thirty (30) days after receipt of a copy of this resolution; and be it further

Resolved, That the City Clerk is hereby directed to mail to the Detroit Edison Company and the Michigan Consolidated Gas Company a certified copy of this resolution.

Adopted as follows:
Yeas — Councilmen Beck, Hood, Ravitz, Van Antwerp and President Pro Tem Miriani—5.
Nays—None.

Department of Public Works
August 8, 1967
Honorable Common Council:
Re: Petition No. 11764, Street and Alley Vacations, Detroit Housing Commission.
Gentlemen—We wish to advise that