

isfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT P. ROSELLE
Commissioner

By Councilman Rogell:

Resolved, That all that part of Humboldt Avenue, 60 feet wide, between the Jeffries Freeway right-of-way and Butternut Street, 50 feet wide as platted in Bradish and Hubbard's Subdivision of part of Loranger Farm, being section of Private Claim No. 474, and the westerly one-ninth of Private Claim No. 338, north of Michigan Avenue, Detroit, Michigan as recorded in Liber 1, Page 133 of Plats, Wayne County Records, more particularly described as lying west of and abutting the west line of Lots 116 to 120, both inclusive, also lying west of and abutting the west line of the northerly 15.42 feet of Lot 121, also lying east of and abutting the east line of Lots 26 to 29, both inclusive, also lying east of and abutting the east line of the northerly 41.50 feet of Lot 25 all of the above mentioned subdivision and lying northerly of and abutting the northerly right-of-way line of the Jeffries Freeway (I-96).

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 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 hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public street 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 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 incidental 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.

Adopted as follows:

Yeas — Councilmen Hood, Ravitz, Rogell, Van Antwerp and President Pro Tem Miriani—5.

Nays—None.

Department of Public Works

July 18, 1968

Honorable Common Council:

Re: Petition No. 4811, Domestic Linen Supply and Laundry Company, et al., alley bounded by 18th Street, Selden Avenue, 17th Street and Magnolia Street, vacation.

Gentlemen — The above petition requests the vacation of the north/south public alley, 20 feet wide, south of Selden and west of 17th Street.

The requested vacation was recommended by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley outlet into 17th Street, south of Selden Avenue. 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 have been credited to the department and account named, for the purpose indicated:

D. P. W., Street and Alley Intersection Fund: Receipt No. A-1017, \$149.00, for the original cost of paving the south one half of Selden Avenue at the intersection of the north/south public alley to be vacated.

The petitioner has also requested that the paved return at the entrance to Selden Avenue 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.

A warranty deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley

outlet into 17th 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.

The petitioner has requested that the construction of the new alley and the return and the installation of the necessary drainage be done privately with all costs being borne by the petitioner. This office has no objection to the petitioner's request provided the work is done under Department of Public Works' permit and inspection and in accordance with City specifications.

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 objections to the proposed vacation or that they have reached a satisfactory agreement with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
ROBERT P. ROSELLE
 Commissioner

By Councilman Rogell:

RESOLVED, That all that part of the north-south public alley, south of Selden Avenue, between 17th and 18th Streets, as platted in Subdivision of part of the Stanton Farm, P.C. 473, and Rear Concession as recorded in Liber 1, Page 255, Plats, Wayne County Records, more particularly described as lying west of and abutting the west line of Lots 534 and 535, lying west of and abutting the northerly 4 feet of Lot 536, lying east of and abutting the east line of Lots 554 and 555, and lying east of and abutting the northerly 4 feet of Lot 553,

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:

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

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

PROVIDED, In the event that the sewer located or to be located in said property shall break, causing damage to any construction, prop-

erty 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

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 be it further

RESOLVED, That at any time in the future, the removal of the paved alley return at the entrance of the alley to be vacated becomes necessary, the entire cost of such removal shall be borne by the Domestic Linen Supply and Laundry Company, its heirs, executors, administrators or assigns, and be it further

RESOLVED, That the warranty deed of the Domestic Linen Supply and Laundry Company deeding land to the City of Detroit for alley purposes being described as the south 20 feet of the northerly 24 feet of Lot 536 of the Subdivision of part of the Stanton Farm, P.C. 473, and Rear Concession as recorded in Liber 1, Page 255 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; and be it further

RESOLVED, That the petitioner shall install the necessary drainage and pave the newly dedicated alley and alley return by private contract under permit of the Department of Public Works and Department of Water Supply in accordance with City specifications and inspection and that all costs for said work shall be paid by the Domestic Linen Supply and Laundry Company, its heirs, successors, or assigns; and be it further

RESOLVED, That the newly deeded alley be paved prior to the removal of the pavement of the alley to be vacated, and be it further

RESOLVED, That the City Controller is hereby authorized and directed to issue a Quit Claim Deed to the Domestic Linen Supply and Laundry Company for the aforementioned vacated alley and that the Corporation Counsel is directed to prepare such deed.

Adopted as follows:

Yeas — Councilmen Hood, Ravitz, Rogell, Van Antwerp and President Pro Tem Miriani—5.

Nays—None.