

report, accompanied by the original petition, is as follows:

All City departments and privately-owned utility companies reported will be unaffected by the vacation 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 Miriani:

Resolved, that part of the Beaufait Avenue between East Grand Boulevard and Palmer as platted in McCormick's Subdivision of part of Out Lot 38 of Meldrum Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 19, Page 50 of Plats, Wayne County Records more particularly described as lying east of and adjoining the east line of Lot 24, lying east of and adjoining the east line of the vacated alley between Lots 24 and Lot A, and lying east of and adjoining the east line of Lot A, all of the above-mentioned subdivision.

Be and the same is hereby vacated as a public street and to become a part and parcel of the adjoining property.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.

Nays—None.

Department of Public Works

February 19, 1968

Honorable Common Council:

Re: Petition No. 5660

— Frederick Packing Company;
Vacation of Alley bounded by
Russell, Riopelle, Farnsworth and
Frederick.

Gentlemen — The above petition requests the vacation of the north-south public alley, 20 feet wide, in the block bounded by Russell, Riopelle, Farnsworth and Frederick. The requested vacation was approved by the City Plan Commission with a recommendation that sufficient land be dedicated for a new alley outlet in Frederick Avenue. The City of Detroit owns the lot (Lot 13) over which the new alley is to be constructed.

The petitioner has made deposits with the City Treasurer in conjunction with their Petition No. 4656 passed by your Honorable Body on December 12, 1967, J.C.C. 3035 and 3036, as follows for the purposes indicated: Department of Water Supply (Sewer Maintenance Division) Fund 500 (0000) (6229) 001, Receipt No. C-17166, \$1,800.00 for the estimated cost of installation of one new catch basin, 100 feet of 12-inch sewer pipe, and 10 feet of 12-inch sewer pipe under the pavement; Department of

Public Works (Permit Division) Receipt No. GR-15243, \$3,950.00 for the construction of a new alley and alley return.

The City departments involved have reported that the paving costs will remain the same for this petition (5660). The petitioner has agreed to the City's use of the monies on deposit to pave the new alley on said Lot 13.

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 Ravitz:

Resolved, that all that part of the north-south public alley, 20 feet wide, in the block bounded by Russell, Riopelle, Farnsworth, and Frederick as platted in the Subdivision of Outlots 7, 8 and 9, Guoin Farm, north of Gratiot Road, Town 2 South, Range 12 East, Detroit, Wayne County, Michigan, as recorded in Liber 7, Page 15, Plats, Wayne County records, lying easterly of and abutting the easterly line of lot 13 and lying easterly of the east-west public alley, 20 feet wide, abutting lot 13, and lying westerly of and abutting the westerly line of lot 12 and lying westerly of the vacated alley, 20 feet wide, abutting lot 12 inclusive, of the above-mentioned subdivision.

Be and the same is hereby vacated as public property to become a part and parcel of the abutting 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 in the southerly 20 feet of the alley to be vacated 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 be it further

Resolved, that in accordance with the foregoing communication, the easterly 20 feet of lot 13 of the Subdivision of Outlots 7, 8 and 9, Guoin Farm, as recorded in Liber 7, page 15, Plats, Wayne County records is hereby set aside for alley purposes as an outlet into Frederick Avenue between Russell and Riopelle, and be it further

Resolved, that the Department of Public Works is hereby directed to take the necessary steps to pave the easterly 20 feet of said lot 13; and be it further

Resolved, that the monies deposited with the City Treasurer for the pavement of the alley (December 12, 1967, J.C.C. Pages 3035 and 3036) now to be vacated, be used for the pavement of the new alley on said easterly 20 feet of lot 13 and be it further

Resolved, that the City Controller is hereby authorized and directed to issue a Quit Claim Deed to the Frederick Packing Company to the aforementioned vacated alley and that the Corporation Counsel is directed to prepare such deeds.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Van Antwerp and President Carey—7.

Nays—None.

Department of Public Works

February 14, 1968

Honorable Common Council:

Re: Petition No. 4333—Savard Sheet Metal; Conversion to Easement of Alley bounded by Wisconsin, Oakman, Asa, West Chicago.

Gentlemen — The above petition requests the conversion of the north-south public alley, nine feet wide, in the block bounded by Wisconsin, Oakman, Asa, and West Chicago, 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 alley 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 Rogell:

Resolved, that all that part of the north-south public alley, 9 feet wide, in the block bounded by Wisconsin Avenue, Oakman Boulevard, Asa Avenue, and West Chicago as platted in Robert Oakman Land Company's Resubdivision of lots 12 to 20 and 27 to 40 both inclusive, and vacated part of Amos Avenue of Robert M. Grindley's No. 2 Subdivision of Little Farms of N.W. ¼ of S.W. ¼ of Section 33, T. 1. S., R. 11. E., Detroit, Wayne County, Michigan as recorded in Liber 53, Page 84, Plats, Wayne County records, lying westerly of and abutting the westerly line of lots 24 to 26 inclusive 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 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 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 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 alley shall request the removal and or relocation of any existing poles or other utilities in said easement, such owners, upon