

that they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
**ROBERT P. ROSELLE,**  
 Commissioner.

By Councilman Tindal:

Resolved, That all that part of the east-west public alley, 16 feet wide, easterly of Russell Street and between Caniff and Sloman Avenues, as platted in Oak Park Adolph Sloman's Subdivision of a portion of ¼ Section 23, 10,000 Acre Tract, Hamtramck (now Detroit), Michigan, as recorded in Liber 13, Page 34, Plats, Wayne County records, lying southerly of and abutting the southerly line of Lots 87 to 90, lying northerly of and abutting the northerly line of Lots 59 to 62, all inclusive of the above mentioned Subdivision,

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property subject to the following provision:

Provided, That if at any time in the future the paved alley return at the entrance to the vacated alley from Russell Street is removed all costs incidental to the removal of same shall be borne by the petitioner, their heirs, executors, administrators and assigns.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Department of Public Works  
 April 14, 1969.

Honorable Common Council:  
 Re: Petition No. 7479. Ellen Rubin, etal; Alley between Ilene, Washburn and South of Lyndon Vacation.

Gentlemen—The above petition requests the vacation of a portion of the north-south public alley, 18 feet wide, south of Lyndon, between Ilene and Washburn.

The requested vacation was recommended 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:

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 P. ROSELLE,**  
 Commissioner.

By Councilman Van Antwerp:

Resolved, That all that part of the north-south public alley, 18 feet wide, southerly of Lyndon Avenue, between Ilene Avenue and Washburn Avenue, as platted in the Assessors' Detroit Plat No. 20 of part of the Southeast ¼ of Section 20, T.1.S.; R.11.E.; Detroit, Wayne County, Michigan, as recorded in Liber 74, Page 28, Plats, Wayne County records, lying westerly of and abutting the westerly line of the northerly 44.10 feet of lot 301, lying easterly of and abutting the easterly line of the northerly 44.25 feet of Lot 302; inclusive of the above mentioned subdivision;

Be and the same is hereby vacated 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, no rights are waived regarding the sewer located therein, and the right to enter upon the premises, at all times, to repair, alter, or service said sewer is hereby reserved.

2) Provided, That no building shall be constructed over said sewer without the prior approval of such building construction by the Sewer Design Section of the Detroit Metropolitan Water Services and the Department of Buildings and Safety Engineering; and further

3) Provided, In the event that the sewer located in said property shall break, causing damage to any construction, property or material 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 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, Tindal, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Department of Public Works  
 April 21, 1969.

Honorable Common Council:  
 Re: Petition No. 6005; Detroit Board of Education, Vacation of Streets and Alleys in the Stewart School

**Site (Fourteenth and Glendale).**

Gentlemen—The above petition requests the vacation and conversion to easement for public utilities of certain streets and alleys in the Stewart School Site (Fourteenth and Glendale).

The requested vacation and conversion into easement for sub-surface public utilities was recommended by the City Plan Commission providing sufficient land be dedicated for a new alley outlet into Fullerton Avenue and new street connecting Glendale and Leslie Avenues.

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

The petitioner has issued the following purchase orders which have been credited to the departments and accounts named, for the purposes indicated:

Department of Water Supply \$1,200.00

Purchase Order 15017, For the estimated cost of abandoning the main in Montville to be vacated.

Department of Water Supply (Sewer Maintenance Div.) \$1,500.00

Fund 500 (0000) (6229) 001, Purchase Order 15017. For the estimated cost to relocate sewer facilities in alleys in area to be vacated.

Fire Department \$1,600.00

Purchase Order 15013. For the estimated cost of relocating two hydrants in the area.

Public Lighting Commission Communications \$2,650.00

Purchase Order 15016. For the estimated cost of relocating the Communications Division's facilities in the area to be vacated.

Public Lighting Commission-Lighting Division \$3,600.00

Purchase Order 15018. For the estimated cost of relocating Street Lighting in the area to be vacated.

Dept. of Public Works — Street Maintenance Div. \$5,400.00

Purchase Order 22157. For the estimated cost of paving the newly dedicated alley.

Dept. of Public Works — Street Design Bureau \$27,400.00

Purchase Order 22156. For the estimated cost of paving the newly dedicated street and the estimated cost of installing drainage in the newly dedicated alley.

Dept. of Public Works — Intersection Fund \$2,752.00

Purchase Order 22158. For the original cost of paving the streets at the intersection of the streets and alleys to be vacated.

The petitioner has also requested that the paved returns at the entrance to the streets and alleys to be vacated be removed, new walk and curb installed, and, where necessary, backfilling be done by their contrac-

tor. The Department of Public Works has no objection as long as this work is done according to Department of Public Works specification and inspection.

A Quit Claim Deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley and new 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.

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 P. ROSELLE,  
Commissioner.

By Councilman Van Antwerp:

Resolved, That all that part of Montville Avenue, 60 feet wide, between Glendale Avenue and the east-west public alley south of Glendale Avenue, as platted in Connolly's Glendale Park Subdivision, being part of the Northeast ¼, Section 14, 10,000 Acre Tract, Greenfield Township, Wayne County, Michigan, as recorded in Liber 25, Page 31, Plats, Wayne County records lying easterly of and abutting the easterly line of Lots A, 124 and 125 and the southerly 24.03 feet of Lot 123, lying westerly of and abutting the westerly line of Lots B, 69 and 70 and the southerly 4.27 feet of Lot 71, all inclusive of the above mentioned Subdivision; also

All that part of the north-south public alley, 20 feet wide, in the block bounded by Montville, Fourteenth, Leslie and Glendale Avenues, lying easterly of and abutting the easterly line of Lots B, 69 and 70 and the southerly 4.44 feet of Lot 71, lying westerly of and abutting the westerly line of Lots C, 67 and 68, and the southerly 4.48 feet of Lot 66, all inclusive of the above mentioned subdivision; also

All that part of the east-west public alley, 21.5 feet wide (29 feet plus or minus measured), westerly of Fourteenth Avenue, between Leslie and Glendale Avenues, as platted in the Oakman Heights Subdivision of part of the east ½ of ¼ Section 14, 10,000 Acre Tract, Greenfield Township, Wayne County, Michigan, as recorded in Liber 33, Page 5, Plats, Wayne County records, lying northerly of and abutting the northerly line of Lots 3 to 15 and the easterly 10.0 feet of Lot 2, all inclusive of the above mentioned Subdivision;

Be and the same are hereby vacated to become a part and parcel of the abutting property; and be it further

Resolved, That all that part of Leslie Avenue, 50 feet wide, between the Railroad Right-of-Way and Fourteenth Avenue, lying southerly of and abutting the southerly line of Lots 3 to 15 and the easterly 10.0 feet of Lot 2, all inclusive of the above mentioned subdivision; lying westerly of a line extending from the southeasterly corner of Lot 15 of the above mentioned subdivision to a point in the southerly line of Leslie Avenue; said point being 15.0 feet easterly of the northeasterly corner of Lot 147 of Robert Oakman's Alta Vista Subdivision of part of the Southeast  $\frac{1}{4}$  of  $\frac{1}{4}$  Section 14, 10,000 Acre Tract, Greenfield Township, Wayne County, Michigan, as recorded in Liber 31, Page 27, Plats, Wayne County records, lying northerly of and abutting the northerly line of Lots 147 to 162, and the easterly 10.0 feet of Lot 163, and the westerly 15.0 feet of Lot 146 inclusive of the above mentioned Subdivision; also

All that part of the east-west public alley, 18 feet wide, westerly of Fourteenth Avenue, between Fullerton and Leslie Avenues lying northerly of and abutting the northerly line of Lots 84 to 102 and the easterly 20.0 feet of Lot 83 inclusive of the above mentioned subdivision;

Be and the same are hereby vacated as a public street and alley and are hereby converted into public easements for subsurface utilities of the full width of the street and alley, which easements 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 easements or right-of-way under said vacated public street and 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 things usually placed or installed under 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 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 easements, 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 abut-

ting on said vacated street and alley shall request the removal and-or relocation of any existing utilities in said easement, such owners, upon whose property the 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 or such broken or damaged utility; and be it further

RESOLVED, That the petitioner shall remove the paved alley and street returns, construct new curb and walk, and backfill where necessary at the entrance to the vacated streets and alleys by private contract under City permit and in accordance with City specifications and inspection and that all costs for such improvements shall be borne by the petitioner; and be it further

RESOLVED, That the Quit Claim Deed of the Detroit Board of Education deeding to the City land for street and alley purposes being in fact Lot 1 and the West 20 feet of Lot 2, Oakman Heights Subdivision. The West 40 feet of Lots 123, 124, 125 and Lot A Connelly's Glendale Park Subdivision except that part taken for Glendale Avenue as widened, being part of the Northeast  $\frac{1}{4}$  and  $\frac{1}{4}$  Section 14, 10,000 A.T., Greenfield Township, Wayne County, Michigan, according to the plat thereof as recorded in Liber 25, Page 31 of Plats, Wayne County records. Also the West 40 feet of the North 7.92 feet of  $\frac{1}{4}$  Section 14, T. T. A. T. lying South of and adjoining said Lot A. The West 10 feet of Lot 83 Robert Oakman's Alta Vista Subdivision and the East 10 feet of the parcel adjacent to and West of said Lot 83.

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.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Department of Public Works

April 18, 1969.

Honorable Common Council:

Re: Petition of Operation Friendship (8154), for Waiver of Fees for Rubbish Collections.