

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 all that part of Ohio Avenue, 50 feet wide, between Fullerton Avenue and Buena Vista Avenue, lying easterly of and abutting the easterly line of Lots 404 to 413; easterly of and abutting the easterly line of the vacated east-west alley, 20 feet wide, abutting the northerly line of Lot 413; lying westerly of and abutting the westerly line of Lots 414 to 423, inclusive of the Greenfield Park Subdivision No. 3 as recorded in Liber 33, Page 26, Plats, Wayne County records; lying easterly of and abutting the easterly line of Lots 57 to 64, lying westerly of and abutting the westerly line of Lots 65 to 72, westerly of and abutting the westerly line of the east-west alley, 20 feet wide, abutting the southerly line of Lot 72, inclusive of Lorchman's Glen Park Subdivision as recorded in Liber 33, Page 38, Plats, Wayne County Records; lying easterly of and abutting the easterly line of Lots 128 to 136, and lying westerly of and abutting the westerly line of Lots 137 to 145, inclusive of the Wyoming Park Subdivision of the North 19.18 acres of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, T.15.S., R.11.E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 34, Page 42, Plats, Wayne County records;

Be and the same are hereby vacated as a public street and is hereby converted into a public easement for subsurface utilities 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 easements or right-of-way under said vacated public street hereinabove described for the purpose 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 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 any time in the future the owners of any lots abutting on said vacated street 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.

Fourth, 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, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—9.

Nays—None.

Department of Public Works

May 21, 1969

Honorable Common Council:

Re: Petition No. 6447, The Detroit Board of Education, Vacation of Alleys bounded by Post, Rademacher, Rankin and Fort.

Gentlemen—The above petition requests the vacation of the alleys in the blocks bounded by Post, Rademacher, Rankin and Fort.

The requested vacation was recommended by City Plan Commission.

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:

Public Lighting Commission
Work Order-5541, \$15,970.00. For the estimated cost of relocating Public Lighting Commission facilities.

Department of Public Works—
Street Maintenance Division
Purchase Order No. 23328, \$1,400.00. For the estimated cost of removing the paved alley returns in the alleys

north of Rankin, east side of Waterman and west side of Rademacher, construct new curb and walk and backfill where necessary.

**Department of Public Works—
Intersection Fund**

Purchase Order No. 23327, \$918.00. For the original cost of paving the streets at the intersection of the alleys to be vacated.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public rights-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 Ravitz:

RESOLVED, that all that part of the north-south public alley, 20 feet wide, first easterly of Post Avenue, between the Wabash Railroad right-of-way and Fort Street, lying easterly of and abutting the easterly line of lots 31 to 53, lying easterly of and abutting the easterly line of the east-west alley, 20 feet wide, north of and abutting lot 53 inclusive of Beard and Kieler's subdivision of outlot 11 and 20 and the east 30 feet of outlot 12 and 19 of Wesson's Section of Private Claim 267, Springwells, T.2S., R.11.E., Wayne County, Michigan as recorded in Liber 18, Page 42, Plats, Wayne County records; lying westerly of and abutting the westerly line of the southerly 708.08 feet of the northerly 838.08 feet of lot 52 of the Plat of the subdivision of Crawford's Ford Tract being Private Claim 270, the east part of Private Claim 267 and the west part of Private Claim 268, Detroit, Wayne County, Michigan, as recorded in Liber 2, Page 6, Plats, Wayne County records; also

All that part of the east-west alley, 20 feet wide, first southerly of Fort, between Post Avenue and Waterman Avenue, lying northerly of and abutting the northerly line of lot 53, lying southerly of and abutting the southerly line of lots 54 to 56, all inclusive of Beard and Kieler's subdivision as recorded in Liber 18, Page 42, Plats, Wayne County records; also

All that part of the north-south public alley, 19.9 feet wide, in the block bounded by Waterman, Rademacher, Rankin and Fort as platted in Harmon's subdivision of the north 861.60 feet of lots 56 and 57 of the subdivision of Crawford's Ford Tract being part of Private Claims 270, 267 and 268, Springwells, Wayne County, Michigan as recorded in Liber 10, Page

61, Plats, Wayne County records, lying westerly of and abutting the westerly line of lots 10 to 23, and lying easterly of and abutting the easterly line of lots 24 to 37, 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 the east-west public alley, 18 feet wide, first northerly of Rankin Avenue, between Waterman Avenue and Rademacher Avenue, lying northerly of and abutting the northerly lines of lots 38 to 48, lying southerly of and abutting the southerly line of lots 23 and 37 and the 19.9 foot wide north-south alley between lots 23 and 37 all inclusive of Harmon's subdivision as recorded in Liber 10, Page 61, Plats, Wayne County records;

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, 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 Detroit Metropolitan Water Services 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 or 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, President Carey—9.

Nays—None.