

**Department of Public Works**

May 22, 1969.

Honorable Common Council:

Re: Petition No. 6775: Herman Grand; Alley first north of Fort Street, between Springwells Avenue and All Saints Avenue. Vacation.

Gentlemen—The above petition requests the vacation of the east-west public alley, 20 feet wide, first north of Fort Street between Springwells Avenue and All Saints Avenue.

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.

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated.

DPW — Intersection Fund — 143-6241. Receipt No. A-43653, \$174.00. For the original cost of paving All Saints Avenue at the intersection of the alley to be vacated.

The petitioner has also requested that the paved returns at the entrance to the alley to be vacated remain in their 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.

An easement is reserved in the vacating resolution for the Detroit Edison Company for the maintenance of its installations located in the public right-of-way 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 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 Rogell:

Resolved, That all that part of the east-west public alley, 20 feet wide, first northerly of Fort, between Springwells Avenue and All Saints Avenue lying northerly of and abutting the northerly line of Lots 1 to 3 and the easterly 2.22 feet of Lot 4, lying easterly of the easterly line of new Springwells Avenue all inclusive of Sage's Subdivision of Lot 1 of the Subdivision of Outlot 5 of the Subdivision of the Shipyard Tract and Lot 14 and the north 208.89 feet of Lot 13 of the Subdivision of Private Claim

718, Township of Springwells, Wayne County, Michigan, as recorded in Liber 9, Page 77, Plats, Wayne County Records;

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 provisions:

1) Provided, an easement or right of way is hereby reserved for the Detroit Edison Company over the northerly 12 feet of the above described alley for the purpose of maintaining, repairing, removing, or replacing the Detroit Edison Company's facilities located therein; and further

2) Provided, that no buildings or structures of any nature whatsoever shall be constructed over said easement unless prior approval is obtained from the Detroit Edison Company; and further

3) Provided, that at any time in the future the removal of the paved alley returns at the intersection of Springwells Avenue and at the intersection of All Saints Avenue to be vacated becomes necessary, the entire cost of such removal shall be paid by the petitioner, his heirs, successors, or assigns.

4) 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

5) 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

6) 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

7) 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 5 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, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Pro Tem Miriani—8.

Nays—None.