

east-west public alley, 18 feet wide, in the block bounded by Asbury Park, Mettetal, the Chesapeake and Ohio Railroad Right-of-way and Joy Road, lying easterly of and abutting the easterly line of the north-south public alley, 18 feet wide, in the above mentioned block, lying westerly of the west line of Mettetal Avenue, lying southwesterly of and abutting the southwesterly line of lots 134 and 135, lying northeasterly of and abutting the northeasterly line of the Chesapeake and Ohio Railroad Right-of-Way inclusive of Bassett and Smith's Tireman Avenue Subdivision of part of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and part of the Southwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$, Section 1, T.2.S., R.10.E., Dearborn Township, Wayne County, Michigan, as recorded in Liber 44, Page 7, Plats, Wayne County records.

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

Resolved, That all that part of the north-south public alley, 18 feet wide, in the block bounded by Asbury Park, Mettetal, the Chesapeake and Ohio Railroad Right-of-way and Joy Road lying northerly of the northerly line of the Railroad Right-of-Way and southerly of the southerly line of the east-west alley first south of Joy Road, lying easterly of and abutting the easterly line of lots 114 and 115, lying westerly of and abutting the westerly line of lots 129 to 134, lying westerly of the westerly line of the east-west alley, 18 feet wide, abutting the southwesterly line of lots 134 and 135, inclusive of Bassett and Smith's Tireman Avenue Subdivision as recorded in Liber 44, Page 7, 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 Service 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.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Tindal, Wierzbicki and President Pro Tem Ravitz—5.

Nays—None.

Department of Public Works

June 10, 1969

Honorable Common Council:

Re: Petition No. 7553, The Detroit Board of Education, alley bounded by Griggs, Ilene, Pembroke (vacated) and Chippewa Avenues, Conversion to Easement.

Gentlemen—The above petition requests the conversion of the east-west public alley 18 feet wide in the block bounded by Griggs, Ilene, Pembroke (vacated), and Chippewa Avenues, into an easement for public utilities.

The requested conversion into easement for public utilities 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:

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 P. ROSELLE

Commissioner

By Councilman Tindal:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Griggs, Ilene, vacated Pembroke and Chippewa Avenues as platted in the Grand Park Subdivision of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ Section 5, T.1.S., R.11.E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 42, Page 16, Wayne County records, lying southerly of and abutting the southerly line of lots 399 and 412, lying northerly of and abutting the northerly line of lots 400 to 411, 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 fourth.

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 whose property the poles or other 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 of such broken or damaged utility.

Adopted as follows:

Yeas — Councilmen Beck, Hood, Tindal, Wierzbicki and President Pro Tem Ravitz—5.

Nays—None.

Department of Public Works

June 4, 1969

Honorable Common Council:

Re: Petition Nos. 7303 and 7901, Bank of the Commonwealth, Alley Vacation first north of Warren between Evergreen and Plainview.

Gentlemen—The above petition requests the vacation of a five foot strip of the east-west public alley 16 feet wide, first north of Warren between Evergreen and Plainview.

The requested vacation was recommended by City Plan Commission, with the recommendation that sufficient land be dedicated to maintain a 16 foot alley right-of-way.

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

A Quit Claim Deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley right-of-way. 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 Sewer Design Bureau of the Detroit Metropolitan Water Services, as a stipulation for their agreement, directs that building plans for the vacation section of alley be submitted for their approval.

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 Tindal:

Resolved, That all that part of the southerly 5 feet of the east-west public alley 16 feet wide, first northerly of Warren Avenue, between Evergreen and Plainview Avenues lying northerly of and abutting the northerly line of Lots 72 to 75 inclusive of Sloan's West Warren subdivision of part of Lot 5, Forsyth subdivision of the West ½ of the Southwest ¼ of Section 2, T.2S., R.10.E., Township of Dearborn, Wayne County, Michigan as recorded in Liber 46, Page 3, Plats, Wayne County records, more properly described as: beginning at a point said point being in the northerly line of Lot 75 and 10.31 feet easterly of the northwesterly corner of said Lot 75, thence northerly along the easterly line extended southerly of the north-south public alley, 18 feet wide, 5.00 feet; thence easterly along a line of 5.00 feet northerly of and parallel to the northerly line of Lot 75, 37.87 feet to a point; thence in a southeasterly direction to a point in the northerly line of Lot 72 said point being 8.18 feet easterly of the northwesterly corner of Lot 72; thence westerly along the northerly line of Lots 72 to 75, 57.87 feet to the point of beginning,

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

Resolved, That the Quit Claim Deed of the Bank of the Commonwealth