

By Councilman Beck:

RESOLVED, That all that part of the east-west public alley, 20 feet wide, first northerly of Freud Avenue, between Harding and Meadowbrook Avenues, lying southerly of and abutting the southerly line of Lot 107, lying easterly of and abutting the easterly line extended southerly of the north-south public alley, 18 feet wide, adjoining Lot 107, lying northerly of and abutting the northerly line of Lots 108 to 112 inclusive of Kean's Freud Avenue Subdivision No. 1 of part of Private Claims 387 and 724, Detroit, Wayne County, Michigan, as recorded in Liber 59, Page 13, Plats, Wayne County records;

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 purpose 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 or 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 incidental 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; and be it further

Resolved, That the reimbursement cost to the City of Detroit in the amount of Two-Hundred and Fifty-Five Dollars (\$255.00) for the original cost of paving the westerly one-half of Meadowbrook Avenue at the intersection of the alley above described is hereby waived.

Adopted as follows:

Yeas — Councilmen Beck, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—8.
Nays—None.

Department of Public Works

July 3, 1969

Honorable Common Council:

Re: Petition No. 8210, Central Transport, Inc., Conversion to Easement of Newbern Avenue.

Gentlemen—The above petition requests the conversion of Newbern Avenue between Gaylord and the Railroad Right-of-Way into an easement for public utilities with the exception of the easterly 10 feet of said street for a distance of 210 feet north of Gaylord, which will be vacated.

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:

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, Receipt No. C203, \$713.00, For the original cost of paving Gaylord Avenue at the intersection of Newbern Avenue to be vacated.

The petitioner has also requested that the paved return at the entrance to Newbern Avenue at Gaylord Avenue remain in its 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.

The Detroit Metropolitan Water Services has directed that provisions be included in the resolution giving the catch basins and catch basin drains to the petitioner for his use and maintenance.

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

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agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.
Respectfully submitted,
ROBERT P. ROSELLE
Commissioner

By Councilman Miriani:

Resolved, That all that part of the easterly 10 feet of Newbern Avenue, 50 feet wide, between Gaylord Avenue and the Detroit Terminal Railroad Right-of-way lying westerly of and abutting the westerly line of lots 100 to 106 inclusive of Edward A. Randall's Subdivision on ¼ Section 1, of the 10,000 acre tract, T.1.S., R. 12.E., Hamtramck (now Detroit), Wayne County, Michigan, as recorded in Liber 28, Page 21, 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 westerly 40 feet of Newbern Avenue, 50 feet wide, between Gaylord Avenue and the Detroit Terminal Railroad Right-of-Way, lying easterly of and abutting the easterly line of lots 57 to 63 inclusive of Edward A. Randall's Subdivision as recorded in Liber 28, Page 21, Plats, Wayne County records; and be it further

Resolved, That all that part of Newbern Avenue, 50 feet wide, between Gaylord Avenue and the Detroit Terminal Railroad Right-of-Way lying easterly of and abutting the easterly line of lots 64 to 81, lying westerly of and abutting the westerly line of lots 82 to 99 inclusive of the above mentioned subdivision;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement 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 an easement or right-of-way over said vacated public street 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 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, retain-

ing 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 street 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 incidental 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; and be it further

Resolved, That the catch basins and catch basin drains located in Newbern Avenue to be vacated shall become the property of the petitioner, their heirs, executors, assigns or administrators and the petitioner shall have all responsibility for their maintenance and repair; and be it further

Resolved, That if at any time in the future the removal of the paved street return of the entrance to Newbern Avenue from Gaylord Avenue becomes necessary, the entire cost of such removal, curbs and sidewalks installation and backfilling, shall be borne by the petitioner, their heirs or assigns.

Adopted as follows:

Yeas — Councilmen Beck, Miriani, Ravitz, Rogell, Tindal, Van Antwerp, Wierzbicki and President Carey—8.

Nays—None.

Department of Public Works
July 2, 1969

Honorable Common Council:
Re.: Agreement No. 69-0074 Eight Mile Road (M-102)-Telegraph Road (US-24) Interchange Highway Lighting State Project No. U 82053-040

Gentlemen — This is in reference to an agreement between the Michigan State Highway Commission and the City of Detroit which provides for highway lighting on Eight Mile Road (M-102)-Telegraph Road (US-24) Interchange.

At the Common Council session of April 22, 1969, your Honorable Body approved this agreement and authorized the Commissioner of Public Works to execute this agreement in behalf of the City of Detroit. This agreement has been fully-executed by both