

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 Warranty Deed of the Jefferson Avenue Presbyterian Church, deeding land to the City of Detroit for alley purposes being described as: The northerly twenty (20) feet of Lot 55, Everding's Subdivision of Lot A of the Subdivision of Lots 22 and 23, Private Claim 723, Hamtramck, Wayne County, Michigan, as recorded in Liber 13, Page 53, Plats, Wayne County Records.

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, and be it further

Resolved, That the petitioner shall install the necessary drainage and pave the newly deeded alley and alley return by private contract under City permits, in accordance with City specifications and inspection, and that all costs for said work shall be borne by the Jefferson Avenue Presbyterian Church, its heirs, executors, administrators, or assigns; and further

Resolved, That the newly deeded alley be paved prior to the construction of a wall across the vacated portion of the north - south alley and ingress and egress be allowed across the vacated portion of the alley until construction of the newly dedicated alley is completed, and further

Resolved, That in the event the new alley is paved and the drainage installed by private contract, the monies deposited with the City for such paving and drainage (Detroit Metro Water Department Fund No. 500(0000) (6229)001, Receipt C-19688, \$3,700.00; and Department of Public Works Street Maintenance Division Fund No. 990-9443-001, Receipt C-19689, \$5,050.00) shall be refunded to the petitioner, and further

Resolved, That the City Controller is hereby authorized and directed to issue a Quit Claim Deed to the above - mentioned vacated alley and the Corporation Counsel is directed to prepare said deed.

Adopted as follows:
Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki, and President Ravitz—9.
Nays—None.

Department of Public Works

November 20, 1970

Honorable Common Council:
Re: Petition No. 106

General Motors Corporation
Alley, Bounded by Rademacher,
Reid, South and Hesse Vacation

Gentlemen—The above petition requests the vacation of a portion of the north - south public alley 15 feet wide in the block bounded by Rademacher, Reid, South and Hesse. The requested vacation was recommended by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley outlet into Rademacher Avenue. 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:

Public Lighting Commission Fund 990-4323, Receipt No. A-19637, \$100.00, For the estimated cost to remove a light fixture in the alley to be vacated.

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

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.

An appropriate resolution is attached for your Honorable Body's consideration.

Respectfully submitted,
ALFRED BERARDUCCI,

Commissioner of Public Works

By Councilman Browne:

Resolved, That all that part of the north - south public alley, 15 feet wide, in the block bounded by Rademacher, Reid, South and Hesse Avenues abutting the easterly line of Lots 19 to 27 and the northerly 8.50 feet of Lot 18, and abutting the westerly line of Lots 28 to 36 and the

northerly 11.14 feet of Lot 37 inclusive of "S. Crawford's Subdivision of Lots 64 and 65 and the east 25 feet of Lot 66 of Francis Crawford's Subdivision of Fort Tract, 2 S., R. 11 E., Detroit, Wayne County, Michigan, on Private Claim 268" recorded in Liber 14, Page 58, 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 in 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 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

4) 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 Metro Water Department and the Department of Buildings and Safety Engineering; and further

5) 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

6) 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 the Deed of the General Motors Corporation deeding land to the City of Detroit for alley purposes being described as:

Commencing at the Southeasterly corner of Hesse Avenue and Rademacher Avenue (50 feet wide), said point being the Northwesterly corner of Lot 27 of "S. Crawford's

Subdivision of Lots 64 and 65 and E. 25 feet of Lot 66 of Francis Crawford's Subdivision of Fort Tract in T. 2 S., R. 11 E., (City of Detroit), Wayne County, Michigan, on P.C. 268" as recorded in Liber 14 of Plats on Page 58, Wayne County Records, thence South 28 degrees 00 minutes 00 seconds East along the Easterly line of Rademacher Avenue, said line being also the Westerly line of Lots 27 thru 19 and the Northerly 8.50 feet of Lot 18 of said "S. Crawford's Subdivision", a measured distance of 288.27 feet to the point of beginning of the parcel of land being described: Running thence from said point of beginning North 62 degrees 00 minutes 00 seconds East thru the interior of Lot 18, along a line which is 21.50 feet Northerly of, as measured at right angles to, and parallel to the Southerly line of said Lot 18, a distance of 95.55 feet to a point on the Westerly line of a public alley (15 feet wide); thence South 28 degrees 00 minutes 00 seconds East along the Westerly line of said alley, said line being also the Easterly line of part of Lot 18 of said subdivision, a distance of 20.00 feet to a point; thence South 62 degrees 00 minutes 00 seconds West along a line which is 1.50 feet Northerly of, as measured at right angles to, and parallel to the Southerly line of said Lot 18, a distance of 37.55 feet to a point; thence South 28 degrees 00 minutes 00 seconds East, a distance of 1.50 feet to a point on the Southerly line of said Lot 18; thence South 62 degrees 00 minutes 00 seconds West along the Southerly line of said Lot 18, a distance of 58.00 feet to the Southwesterly corner of said Lot 18; thence North 28 degrees 00 minutes 00 seconds West along the Easterly line of Rademacher Avenue, said line being also the Westerly line of part of said Lot 18, a distance of 21.50 feet to the point of beginning.

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 Browne Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki and President Ravitz—9.

Nays — None.

Department of Public Works
November 23, 1970

Honorable Common Council:

Gentlemen — Under date of June 11, 1946, J.C.C. Page 1427, permission was granted to the American Charcoal Company to maintain a spur track across Post Street between Fort and South Streets, north of and connecting the Michigan Central Railroad.