

We have been advised by the Penn Central Transportation Company that this track is the property of the Penn Central Railroad. The acquisition date was November 10, 1967.

We, therefore, ask that the original grant be rescinded and that spur track bills 69-209, in the amount of \$25.00, and 70-209, in the amount of \$25.00, be cancelled, and we further recommend that the Office of the City Controller be directed to release the bond on file, in accordance with their established policy.

Respectfully submitted,  
ALFRED BERARDUCCI,  
Commissioner.

By Councilman Browne:

Resolved, That resolution adopted June 11, 1946 (J.C.C. p. 1427) be and the same is hereby amended for the purpose of rescinding therefrom the permit granted to the American Charcoal Company to maintain a spur track across Post Street between Fort and South Streets and the City Controller is hereby directed to release the bond on file in accordance with their established policy.

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 24, 1970

Honorable Common Council:

Re: Petition No. 350. Fisher Provision Company. Further Report on Above Petition to Vacate an Additional 5-Foot Long Section of the South Half of the East-West Public Alley in the Block Bounded By Riopelle, Alfred, Orleans and Division.

Gentlemen—Originally the Fisher Provision Company, under Petition No. 350, dated March 24, 1970, requested the vacation of a section twenty-five (25) feet in length from the south half of the above described east-west alley. The request was granted by your Honorable Body September 8, 1970, J.C.C. Pages 2303 and 2304.

However, in the course of preparing for the proposed addition to their existing building, it was disclosed that a sewer would have to be provided for and this could be accomplished by the relocation of a wall five feet further to the east. This will require the vacation of an additional five feet, east of the aforementioned twenty-five feet, from the south half of the alley.

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:

An easement is reserved in the vacating resolution for the Detroit Edison Company, Michigan Bell Telephone Company, and the Public Lighting Commission for the maintenance of their 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.

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

Respectfully submitted,  
ALFRED BERARDUCCI

Commissioner of Public Works

By Councilman Hood:

Resolved, That all that part of the southerly 10 feet of the east-west public alley, 20 feet wide, in the block bounded by Riopelle, Orleans, Division and Alfred Streets lying northerly of and abutting the northerly line of the easterly 5.0 feet of the westerly 30.0 feet of Lot 44 of the Plat of Dedication of alley on Riopelle, Orleans, Division and Alfred Streets through Lots 43 to 48 inclusive, Subdivision of Riopelle Farm North of Gratiot and Lots 16 to 21 inclusive, Schultes Subdivision of part of Outlot 7, Dequindre Farm, Detroit, Wayne County, Michigan, June 5, 1880, Liber 5, Page 39, Plats, and as shown on Department of Public Works Drawing No. X-350, dated May 12, 1970 and as revised on November 24, 1970,

Be and the same is hereby vacated 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, the Michigan Bell Telephone Company, and the Detroit Public Lighting Commission over the northerly 2.0 feet of the above described portion of alley for the purpose of maintaining, repairing, removing or replacing the above mentioned companies' facilities located therein; and further

(2) Provided, That no buildings or structures of any nature shall be constructed over said northerly 2.0 feet unless prior approval is obtained from the above mentioned companies; 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 sewer 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.

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 17, 1970

Honorable Common Council:

Re: Petition No. 717, Louis Hardware Company, Alley Bounded by Oakland, Cameron, McNichols and Dakota, Conversion to Easement.

Gentlemen—The above petition requests the conversion of a portion of the north-south public alley, 18 feet wide, in the block bounded by Oakland, Cameron, McNichols and Dakota into an easement for public utilities. The requested conversion into easement for public utilities was recommended by the City Plan Commission with the recommendation that sufficient land be dedicated for a new alley outlet into Oakland 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:

Department of Public Works, Permit Division, Receipt No. GR-18051, \$1,600.00. For the estimated cost to pave a new alley return at the newly dedicated alley.

The petitioner is presently purchasing the land abutting the westerly line of the to be vacated alley from the City of Detroit and will issue a deed for the new alley upon completion of the transaction.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of public right-of-way into an easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

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

Respectfully submitted,

ALFRED BERARDUCCI,

Commissioner of Public Works

By Councilman Levin:

Resolved, That all that part of the north-south public alley, 18 feet wide, in the block bounded by Oakland, Cameron, McNichols and Dakota Avenues abutting the easterly line of Lots 256 and 257, and abutting the westerly line of Lots 162 and 163 as platted in the St. Barbara Subdivision of Part of the South  $\frac{1}{2}$  of Section 12, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 28, Page 84, 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 in 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 of 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 of surface grade made, without prior approval by the Department of Public Works,