

Horger's Subdivision of that part of Fractional Section 3, T. 2. S., R. 11. E., between Private Claim 260 and the D.L. and N.R.R., north of Holden Avenue, Greenfield Township, Wayne County, Michigan as recorded in Liber 19, Page 72, Plats, Wayne County Records; as shown on Department of Public Works Drawing No. X-9298,

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) The owners hereby grant to the Detroit Edison Company and the Michigan Bell Telephone Company easements of the full width of said vacated alley hereinabove described for the purposes of installing, maintaining, repairing, removing or replacing any of the Detroit Edison Company or the Michigan Bell Telephone Company's facilities.

Said owners for their heirs and assigns further agree that no buildings or structures shall be built or placed on said easements without prior approval of the Detroit Edison Company and the Michigan Bell Telephone Company.

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 facilities of the Detroit Edison Company or the Michigan Bell Telephone Company in said easement, such owners, upon whose property the poles or other facilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the company; and further

2) 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

3) 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 Services and the Department of Buildings and Safety Engineering; and further

4) 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

5) 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

May 4, 1970

Honorable Common Council:

Re: Majority Petition No. 320, Requesting the Paving of the East-West Commercial Alley in the Block Bounded by Stahllein, Artesian, Van Buren and Joy Road.

Gentlemen — Petition No. 320 by Mrs. Zola Stamper, et al requesting the paving of the east-west alley, 15 feet and 20 feet wide, in the block bounded by Stahllein, Artesian, Van Buren and Joy Road which was referred to this office for report, is a majority petition upon which no prepayment has been made.

It is, therefore, recommended that your Honorable Body invoke the waiver clause in the Special Assessment Ordinance, eliminating the 25 per cent prepayment and tax history.

It is further recommended that this alley be paved with one course concrete, in accordance with the following resolution.

Respectfully submitted,

ALFRED BERARDUCCI

Commissioner

By Councilman Eberhard:

Resolved, That the paving recommended in the foregoing communication be and is hereby declared a necessity, and that pursuant to Section 21-10-9 of the Compiled Ordinances of 1964, an emergency exists affecting the peace, health, and safety of the people of the City, further that the paving be constructed with the material and to the width recommended; and that the Commissioner of Public Works be and is hereby directed to advertise for proposals for doing the work.

Adopted as follows:

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

Nays—None.

Department of Public Works

May 13, 1970

Honorable Common Council:

RE: Petition No. 9078

The Detroit Board of Education Alley Bounded By the Lodge Freeway, Ilene and Pilgrim

Gentlemen — The above petition requests the vacation of the 20 foot wide public alley easterly of and

parallel to the Lodge Freeway, between Ilene and Pilgrim.

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 issued the following Purchase Orders which have been credited to the departments and accounts named, for the purpose indicated:

Detroit Metro Water Department — Purchase Order No. 38837 for estimated cost of abandoning the water services in the alley to be vacated \$100.00.

Detroit Metro Water Department—Purchase Order No. 38838 for the estimated cost of preparing contract documents for the construction of two manholes \$1,000.00.

Public Lighting Commission — Purchase Order No. 38836 for the relocation of street lighting facilities from the alley to be vacated \$500.00.

DPW Intersection Fund — Purchase Order No. 38839 for the original cost of paving Ilene and Pilgrim at the intersection of the alley to be vacated \$698.12.

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.

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

By Councilman Hood:

Resolved, That all that part of the 20 foot wide public alley easterly of and parallel to the Lodge Freeway, between Pilgrim and Ilene Avenues, as platted in St. Mary's Academy Subdivision of the south $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 17, T. 1 S., R. 11 E., City of Detroit and Township of Greenfield, Wayne County, Michigan, as recorded in Liber 45, Page 76, Plats, Wayne County Records, and as shown on Department of Public Works drawing

No. X-9078, dated September 30, 1969.

Be and the same is hereby vacated to become a part and parcel of the abutting property, subject to the following:

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 in the following two parcels:

A. Beginning at the southeasterly corner of Lot 90, said point being in the westerly line of Ilene Avenue, 60 feet wide, thence, S. 0d 01 min. 30 sec. E., 35.63 feet; thence, N. 34d 10 min. 40 sec. W., 7.89 feet; thence, N. 10d 58 min. 28 sec. W., 50.76 feet; thence, S 34d 10 min. 40 sec. E., 25.07 feet to the point of beginning inclusive of the above-mentioned subdivision;

B. Beginning at the northwesterly corner of Lot 88, said point being in the southerly line of Pilgrim Avenue, 60 feet wide, thence S. 89d 37 min. W., 7.11 feet; thence, S. 55d 28 min. 17 sec. E., 16.27 feet; thence, N. 34d 10 min 40 sec. W., 11.21 feet to the point of beginning, all inclusive of the above-mentioned subdivision;

The City of Detroit, 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 Metro Water Department 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, and be it further

Resolved, That the Detroit Metro Water Department be and is hereby authorized to either review or prepare the drawings for the lateral sewer relocation to prepare the necessary specifications, and to issue a permit to the petitioner (No. 9078) to cover the relocation of the existing lateral

sewer in the alley in the block bounded by the Lodge Freeway, Ilene and Pilgrim by private contract. Be it further

Resolved, That the entire work is to be performed in accordance with plans and specifications approved by Detroit Metro Water Department and constructed under the supervision of the inspection section of the Detroit Metro Water Department. Be it further

Resolved, That the entire cost of the change including inspection, survey and engineering shall be borne by the Petitioner. Be it further

Resolved, That the Petitioner shall deposit with the Detroit Metro Water Department in advance of engineering, inspection, and survey such amounts as that department deems necessary to cover the cost of these services. Be it further

Resolved, That the Petitioner furnish the Detroit Metro Water Department a synthetic reproduction of the sewer drawings prepared by him. Be it further

Resolved, That upon completion of the sewer relocation the sewer shall be City property and remain as part of the City Sewer System, and be it further

Resolved, That if at anytime in the future it becomes necessary to remove the paved returns at the entrance to the alley the entire cost of such removal shall be borne by the petitioner, his assigns or administrators.

Adopted as follows:

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

Nays—None.

Department of Public Works

May 12, 1970

Honorable Common Council:

RE: Petition No. 7914

Boron Oil Company

Alleys Bounded by Stoepel, Livernois, Grand River and Barr Avenues — Vacation

Gentlemen — The above petition requests the vacation of the north-south and east-west public alleys 15 and 20 feet wide in the block bounded by Stoepel, Livernois, Grand River and Barr Avenues. Subsequently, the petitioner has requested that his petition be changed from the vacation of the above mentioned east-west public right-of-way to a request for the conversion of same to an easement for public utilities.

The requested vacations were 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 also requested that the paved returns at the

entrance to the alleys to be vacated remain in their present status as the petitioner plans to utilize same, and has 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.

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

By Councilman Hood:

Resolved, That all that part of the north-south public alley, 15 feet wide, first westerly of Livernois Avenue between Grand River and Barr Avenues as platted in Frank E. Vignoe's Subdivision of Outlots 7, 8, 9, and the east 1/2 of Outlot 10 of Russell's Subdivision on east 1/2 of N.E. 1/4 of Section 33, Greenfield Township, T. 1 S., R. 11 E., Wayne County, Michigan, also Lot 24 of McKay and Warren's Subdivision of Outlots 4, 5, 6 and the west 1/2 of Outlot 10, of Russell's Subdivision adjoining on the west of this, as recorded in Liber 31, Page 20, Plats, Wayne County Records and shown on Department of Public Works Drawing No. X-7914 dated, July 23, 1969.

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 Metro Water Services 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