

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 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 cost 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.

Adopted as follows:

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

Nays—None.

**Department of Public Works**

February 25, 1970

Honorable Common Council:

Re: Petition No. 9125, Harvey H. Meyer, Commercial Avenue and McGregor Place, Vacation of a portion of Commercial Avenue.

Gentlemen — The above petition requests the vacation of a portion of Commercial Avenue, 40 feet wide, northerly of McGregor Place. 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 Michigan Consolidated Gas Company for the maintenance of its installations 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.

The adoption of the attached resolution is recommended.

Respectfully submitted,

CHARLES E. MCCARTHY

Deputy Commissioner

By Councilman Wierzbicki:

Resolved, That all that part of Commercial Avenue, 40 feet wide, between McGregor Place and Junction Avenue, as platted in Brush's Subdivision of the northerly 5 60/100 acres of the westerly 1/2 of Private Claim 260 lying south of the south line of the C.S.R.R., right-of-way, Detroit, Wayne County, Michigan, as recorded in Liber 16, Page 19, Plats, Wayne County records lying southerly of and abutting that portion of Commercial Avenue vacated on January 23, 1968, J.C.C. Pages 114 and 115; lying easterly of and abutting the easterly line of the Penn Central Railroad right-of-way; and, lying northerly of and abutting the northerly line extended westerly of McGregor Place; inclusive of the above mentioned subdivision,

Be and the same is hereby vacated as a public street to become a part and parcel of the adjoining property subject to the following reservations:

1) Provided, an easement is retained for the Michigan Consolidated Gas Company, the full width of Commercial Avenue, 40 feet wide, in the area to be vacated.

2) Provided, that by granting the easements the Michigan Consolidated Gas Company does not waive any rights to their installations therein.

3) Provided further that no building or structure of any nature whatsoever shall be built upon the easement or underground therein without prior approval of the Michigan Consolidated Gas Company, and further

Resolved, that the City Clerk is hereby directed to mail to the Michigan Consolidated Gas Company a certified copy of this resolution.

Adopted as follows:

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

Nays—None.