

Department of Public Works

March 24, 1970

Honorable Common Council:
 Re: Petition No. 9349, Grace Hospital,
Vacation of Clarita Avenue
between Meyers Road and
Montevista Avenue.

Gentlemen—The above petition requests the vacation of Clarita Avenue, 60 feet wide, between Meyers Road and Montevista Avenue.

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 requested that the paved returns at the entrance to Clarita Avenue 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.

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.

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.

The adoption of the attached resolution is recommended.

Respectfully submitted,
 ALFRED BERARDUCCI,

Commissioner

By Councilman Browne:

RESOLVED, That all that part of Clarita Avenue, 60 feet wide, between Meyers Road and Montevista Avenue as opened by deed of Grace Hospital on January 16, 1940, J.C.C. Page 122 being in the Marygrove Manor, a subdivision of part of the west 1/2 of the northwest 1/4 of the northeast 1/4 Section 8, T.1.S., R.11.E., Detroit, Michigan as recorded in Liber 61, Page 67, Plats, Wayne County records; and as in the northeast 1/4, Section 8, T.1.S., R.11.E., and as shown on Department of Public Works Drawing Number X-9349, dated December 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, An easement or right-of-way is hereby reserved for the Michigan Consolidated Gas

Company in the above described street for the purpose of maintaining, repairing, removing or replacing the Michigan Consolidated Gas Company's facilities located therein; and further

2) PROVIDED, That no building or structures of any nature whatsoever shall be constructed over said easement unless prior approval is obtained from the Michigan Consolidated Gas 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 Metropolitan Water Services and the Department of Buildings and Safety Engineering;

Adopted as follows:

Yeas—Councilmen Browne, Eberhard, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki and President Pro Tem Hood—8.

Nays—None.

Department of Public Works

March 26, 1970

Honorable Common Council:
 Re: Petition No. 137, City of
Detroit—Surplus Real Property
Committee. Alleys bounded by
the Wabash Railroad, Crossley,
Gould and vacated Gould—Vaca-
tion.

Gentlemen—The above petition requests the vacation of the north-south public alleys 16 feet wide easterly and westerly of Anderson Avenue and northerly of Gould Avenue.

The requested vacations were 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:

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public rights-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,
ALFRED BERARDUCCI,
 Commissioner

By Councilman Browne:

Resolved, That all that part of the 16 foot wide north-south public alleys lying easterly and westerly of Anderson Avenue north of Gould Avenue as platted in McMillan's Subdivision of part of Private Claim 67, known as the Field Farm, lying north of River Street, Springwells, Wayne County, Michigan, as recorded in Liber 13, Page 55, Plats, Wayne County records, and as shown on Department of Public Works Drawing No. X-137 dated February 11, 1970;

Be and the same are 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 in the southerly 75 feet of the alley between Anderson and Crossley Avenues, 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 Metropolitan 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 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.

Adopted as follows:

Yeas—Councilmen Browne, Eberhard, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki and President Pro Tem Hood—8.

Nays—None.

Department of Public Works

April 3, 1970

Honorable Common Council:

Re: Petition No. 9653, Richard Weber, Alleys bounded by St. Aubin, Dubois, Gratiot and Alfred. Vacation and Conversion to Easement.

Gentlemen—The above petition requests the vacation of the north-south and east-west public alleys 20 feet wide in the block bounded by St. Aubin, Dubois, Gratiot and Alfred with a portion of the east-west alley being retained as an easement for public utilities.

The requested vacation and conversion into easement for public utilities were 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 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, 143-6241, Receipt No. B34436, \$126.00. For the original cost of paving half of the streets at the intersection of the alleys to be vacated.

The petitioner has also requested that the paved returns at the entrance to the alleys 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.

An easement is reserved in the vacating resolution for the Michigan Bell Telephone Company for the maintenance of its installations located in the north-south public right-of-way to be vacated.

All other City departments and privately-owned utility companies reported that they will be unaffected by the vacation and conversion to an easement of said alley or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
ALFRED BERARDUCCI,
 Commissioner

By Councilman Eberhard:

Resolved, That all that part of the public alley, 20 feet wide, lying northerly of and parallel to Gratiot Avenue between St. Aubin and Dubois Avenues as platted in L. St. Aubin's Subdivision of Outlots 33, 36 and 37 of the Subdivision of the St. Aubin Farm, Detroit, T.2.S., R.12.E., as recorded in Liber 6, Page 74, Plats, Wayne County records, lying easterly of and abutting the westerly line of