

**Department of Public Works**

March 23, 1970

Honorable Common Council:

Re: Petition No. 9651, Burroughs Corporation, Second Avenue at Burroughs, Conversion to Easement for Subsurface Utilities of Third Avenue at Burroughs Avenue.

Gentlemen — The above petition requests the conversion of a portion of Third Avenue (variable width) into an easement for subsurface public utilities.

The requested conversion into easement for subsurface public utilities was recommended by the City Plan Commission with the further recommendation that sufficient land be dedicated for a new street to be located westerly of and adjoining the existing right-of-way.

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

A Quit Claim Deed has been received from the petitioner, deeding to the City of Detroit, land for the new street. 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.

All City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement for subsurface public utilities of said street or that they have reached satisfactory agreements regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

**ALFRED BERARDUCCI**

Commissioner

By Councilman Wierzbicki:

Resolved, That all that part of Third Avenue (variable width) lying between Baltimore Avenue and Antoinette Avenue as platted in the Cass Farm Company limited Subdivision of Blocks 111, 112, 113, 114, 115, 116 118 and 119 and part of Block 117, Cass Farm, as recorded in Liber 19, Page 35, Plats, Wayne County records; and as shown on attached Department of Public Works drawing Number X-9651, dated September 1969,

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

First, Said owners hereby grant to and for the use of the public an easement or right-of-way in said vacated public street hereinabove described for the purpose of maintaining, installing, repairing, removing, or replacing subsurface utilities such as water mains, sewers, gas lines or mains, telephone, electric

light conduits or things usually placed or installed under a public street 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 street shall request the removal and/or relocation of any existing utilities in said easement, such owners, upon whose property the utilities are located shall pay all costs 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; and be it further

Resolved, That the Deed of the Burroughs Corporation, deeding land to the City of Detroit for street purposes being described as part of lots 51 and 52 of the Plat of Albert Crane's Section of the Crane Farm being Blocks, 25, 33, 35, 37, 38, 39, 40, 42, 43 and 45 of the Crane Farm as recorded in Liber 1, Page 151, Plats, Wayne County records; and part of Private Claim 247, T.1.S., R.12.E., Hamtramck Township (now Detroit), all of which is shown on the attached Department of Public Works drawing number X-9651 dated September, 1969;

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 City Controller is hereby authorized and directed to issue a Quit Claim Deed to the Burroughs Corporation for the portion of Third Avenue vacated above and that the Corporation Counsel is directed to prepare said deed.

Adopted as follows:

Yeas—Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Wierzbicki and President Ravitz—8.

Nays—None.