

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 paying 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



lot 16 extended southerly of the above mentioned subdivision and as shown on Department of Public Works drawing No. X-9653 dated February 5, 1970;

Be and the same is hereby vacated to become a part and parcel of the abutting property; and be it further

Resolved, That all that part of the north-south public alley, 20 feet wide, first easterly of St. Aubin and southerly of Alfred Street lying westerly of the westerly line of lot 16 extended southerly and easterly of the easterly line of lot 13 extended southerly as platted in L. St. Aubin's Subdivision, Liber 6, Page 74, Plats, Wayne County records and as shown on Department of Public Works Drawing No. X-9653 dated February 5, 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 Michigan Bell Telephone Company in the above described alley for the purpose of maintaining, repairing, removing or replacing the Michigan Bell Telephone Company's facilities located therein; and further

2) Provided, That no buildings or structures of any nature whatsoever shall be constructed over said easement unless prior approval is obtained from the Michigan Bell Telephone Company; and further

Resolved, That all that part of the public alley, 20 feet wide, lying northerly of and parallel to Gratiot Avenue and between St. Aubin Avenue and the westerly line of the north-south alley first easterly of St. Aubin as platted in L. St. Aubin's, Liber 6, Page 74, Plats, Wayne County records, and as shown on Department of Public Works Drawing No. X-9653, dated February 5, 1970;

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 purpose of maintaining, installing, repairing, removing or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric 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 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 further

Resolved, That if at any time in the future the paved alley returns are to be removed, the complete cost of such removal shall be borne by the petitioner or his assigns.

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**

February 19, 1970

Honorable Common Council:

Re: Professional Services Contract, Considine Recreation Center — Rehabilitation, Joint Venture of Consulting Engineering Associates, Inc.; F. E. Griffin, A.I.A. & Associates, Architects; and Sidney Shorter, P.E. & Associates, Engineers — Professional Contractors.

Gentlemen — The Department of Parks and Recreation has requested that construction drawings and specifications be prepared for the proposed Rehabilitation of Considine Recreation Center.

Because of the sizeable work load being handled by the City Engineer's office, it is believed advisable to engage a private Consultant for this work. The City Engineer would exercise the same degree of supervision and responsibility over