

and he is hereby authorized and directed to honor payrolls when presented in accordance with this resolution and the above communication.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, and President Ravitz — 7.
Nays — None.

Department of Public Works

August 31, 1971

Honorable Common Council:

Re: Eight Mile Road (M-102) Greenfield to East of Ryan Storm Water Drainage Connection Agreement 69-1639.

Gentlemen—This is in reference to an agreement between the Michigan State Highway Commission and the City of Detroit, which provides for the connection of a storm water drainage system being constructed as part of the Eight Mile Road widening into the existing City trunk storm water system.

At the Common Council session of June 22, 1971, your Honorable Body approved this agreement and authorized the Street Administrator to execute this agreement in behalf of the City of Detroit. This agreement has been fully-executed by both parties, and the Corporation Counsel has examined and approved this agreement as to form and execution.

At this time, we are requesting that your Honorable Body approve and confirm the fully-executed agreement.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner

By Councilman Rogell:

Resolved, That in accordance with the above communication, the fully-executed agreement between the City of Detroit and the Michigan State Highway Commission, which provides for the connection of a storm water drainage system being constructed as part of the Eight Mile Road widening into the existing City trunk storm water system, be and the same is hereby approved and confirmed.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, and President Ravitz — 7.
Nays — None.

Department of Public Works

September 1, 1971

Honorable Common Council:

Re: Petition No. 2315, Wayne State University. Vacation of Easement in Reed Place and Alleys North of Reed Place West of Fourth Avenue.

Gentlemen—The above petition requests the vacation of the easements in the vacated street and alleys in the above-described area. The petition was referred to us for investigation and report. Our report,

accompanied by the original petition is as follows:

All involved City Departments reported that they will be unaffected by the vacation.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner

By Councilman Rogell:

Resolved, That all that part of the easement retained in vacated Reed Place between the John Lodge Freeway and Fourth Avenue for the Public Lighting Commission on September 23, 1958, J.C.C. pages 1994 and 1995; also

All that part of the easement retained in the vacated north-south alley first west of Fourth Avenue between vacated Reed Place and Kirby Avenue for the Public Lighting Commission and the Detroit Metro Water Department (Sewer Proviso) on September 17, 1957, pages 1980 and 1981; also

All that part of the easement retained in the vacated east-west alley in the block bounded by the John Lodge Freeway, Fourth Avenue, vacated Reed Place and Kirby Avenue for the Public Lighting Commission and the Detroit Metro Water Department (Sewer Proviso) on September 17, 1957, pages 1980 and 1981;

Be and the same are hereby vacated as easements.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, and President Ravitz — 7.
Nays — None.

Department of Public Works

September 7, 1971

Honorable Common Council:

Re: Petition No. 1315, Frederick Packing Company, Vacation of the remaining alleys in the block bounded by Russell, Riopelle, Farnsworth, and Frederick.

Gentlemen—The above petition requests the vacation of a portion of the remaining alleys in the above mentioned block. Subsequently, the petitioner has requested that his petition be changed from the vacation of the above mentioned public right-of-ways to a request for the conversion of same to an easement for public utilities.

The requested conversion into easement for public utilities was approved 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. A-17220—\$95.00.

For the original cost of paving Russell Street at the intersection of the alley to be vacated.

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.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-ways into easements provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
CLARENCE C. RUSSELL
Commissioner

By Councilman Rogell:

Resolved, That all that part of the east-west alley, 20 feet wide, in the block bounded by Russell, Riopelle, Farnsworth, and Frederick, lying northerly of Lots 1 to 8 and southerly of lots 14 to 20, southerly of the westerly 10 feet of lot 13, and southerly of the 20 foot wide north-south alley abutting the westerly 10 feet of said lot 13, all inclusive of the Plat of the Subdivision of Outlots 7, 8, and 9, Guoin Farm, north of Gratiot Road, T.2.S., R.12.E., City of Detroit, Wayne County, Michigan, as recorded in Liber 7, Page 15, Plats, Wayne County records; also

All that part of the north-south public alley, 20 feet wide, in the block bounded by Russell, Riopelle, Farnsworth, and Frederick having been platted as the easterly 20 feet of lot 13 of the above mentioned subdivision,

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 over 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 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 anytime 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.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, and President Ravitz — 7.

Nays — None.

Department of Public Works

September 8, 1971

Honorable Common Council:

Gentlemen—On April 26, 1955, J.C.C. Pages 796-97, your Honorable Body approved Stanley Hong's Petition to encroach an additional $\frac{3}{4}$ inch to existing one foot ten inch encroachment to front of building at 565 E. Canfield for a distance of 27.5 feet along Canfield.

The Department of Public Works requests that above grant be rescinded because a recent inspection showed that said encroachment no longer existed.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner

By Councilman Rogell:

Resolved, That resolution adopted April 26, 1955 (JCC p. 796-97), granting petition of Stanley Hong for an encroachment to front of building at 565 E. Canfield, be and the same is hereby rescinded in accordance with