

Brown, Incorporated (Plan No. S 32659, dated September 17, 1970) was submitted and has been approved by the City Engineer.

A Warranty Deed has been submitted by the petitioner and has been approved by Corporation Counsel as to form and execution and by the City Engineer as to description.

The City Plan Commission has advised that they and all other City departments have approved the acceptance of this parcel as a City street. They further recommend that it be called "Hyde Park Drive".

An appropriate resolution accepting this right - of - way is attached for consideration by your Honorable Body.

Respectfully submitted,

ALFRED BERARDUCCI,  
Commissioner of Public Works

By Councilman Rogell:

Resolved, That the Warranty Deed from the Nelson - Grosberg Development, Huntington Woods, Michigan, conveying the following described property to the City of Detroit for street purposes, as shown on Plan No. S 32659 prepared by Mason L. Brown & Sons, Inc., dated September 17, 1970, 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:

All that part of Lot 7 "Elmwood Park Urban Renewal Plat No. 1" part of P.C. 14; 90 and 91, recorded in Liber 89 of Plats, Pages 47, 48 & 49, Wayne County Records, City of Detroit, Wayne County, Michigan described as: Beginning at a point on the southerly line of Antietam Street, 120 feet wide, which point is distant N. 59 deg 52 min 13 sec E., 236.70 feet from the easterly line of St. Aubin Street, 120 feet wide; thence S. 30 deg 13 min 26 sec E., 137.00 feet; thence on a curve to the left, having a radius of 77.00 feet, an arc distance of 120.79 feet, a chord bearing S. 75 deg 09 min 50 sec E., 108.78 feet; thence on a line tangent to the last described curve, N. 59 deg 53 min 46 sec E., 307.18 feet; thence on a curve to the right, being tangent to the last described line, having a radius of 23.00 feet, an arc distance of 36.12 feet, a chord bearing S. 75 deg 07 min 11 sec E., 32.52 feet; thence along a line tangent to the last described curve, S. 30 deg 08 min 08 sec E., 445.20 feet; thence on a curve to the right, being tangent to the last described line, having a radius of 53.00 feet, an arc distance of 83.27 feet, a chord bearing S. 14 deg 52 min 27 sec W., 74.97 feet; thence along a line tangent to the last described curve S. 59 deg 53 min 02 sec W., 642.72 feet; thence along the easterly line of St. Aubin Avenue, S. 26 deg 06 min 45 sec E., 50.12 feet; thence N. 59 deg. 53 min 02 sec E., 646.22 feet;

thence on a curve to the left, being tangent to the last described line, having a radius of 103.00 feet, an arc distance of 161.83 feet, a chord bearing N. 14 deg 52 min 27 sec E., 145.69 feet; thence along a line tangent to the last described curve, N. 30 deg 08 min 08 sec W., 445.20 feet; thence on a curve to the left, being tangent to the last described line, having a radius of 73.00 feet, an arc distance of 114.63 feet, a chord bearing N. 75 deg. 07 min 11 sec W., 103.21 feet; thence along a tangent to the last described curve, S. 59 deg 53 min 46 sec W., 307.18 feet; thence on a curve to the right, being tangent to the last described line, having a radius of 27.00 feet; an arc distance of 42.35 feet, a chord bearing N. 75 deg 09 min 50 sec W., 38.14 feet; thence along a line tangent to the last described curve, N. 30 deg 13 min 26 sec W., 136.92 feet; thence along the southerly line of Antietam Street, S. 59 deg 52 min 13 sec W., 50.00 feet, to the point of beginning, containing 2.08139 acres of land, and be it further

Resolved, That said street shall be known as Hyde Park Drive, and

Be It Further Resolved, That the Commissioner of Public Works is hereby authorized and directed to execute the agreement whereby Nelson - Grosberg will replace any part of the roadway which deteriorates within a five year period due to faulty construction, and to submit one executed copy to the petitioner.

Councilman Rogell moved that the matter be referred back to Committee of the Whole, which motion prevailed.

#### Department of Public Works

December 17, 1970

Honorable Common Council:

Re: Petition No. 1317

Penn-Central Railroad

Conversion to Easement of Mt.

Elliott Court (Formerly Mt.

Elliott) North of Lynch Road.

Gentlemen—The above petition requests the conversion of the remaining portion of Mt. Elliott Court, previously known as Mt. Elliott until change by your Honorable Body on April 7, 1970, J.C.C. Page 813, into 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 also requested that the paved return at the entrance to the portion of street to be vacated remain in its 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.

The Michigan Consolidated Gas Company, due to a 26 - inch gas main being located in the street right - of - way, requests that should the petitioner contemplate removal of any pavement from the area described above, that they be given at least 30 days notice prior to the commencement of such work so that necessary procedures can be initiated to protect their facilities.

The Fire Department has no objection to the change as long as they have free and easy access to the fire hydrants at all times, with no fences or obstructions within five (5) feet of the hydrants.

All other involved City departments and privately - owned utility companies reported that they have no objection to the conversion of the public right - of - way into an easement 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,  
ALFRED BERARDUCCI,

Commissioner of Public Works

By Councilman Wierzbicki:

All that part of Mt. Elliott Court, 66 feet wide, (changed from Mt. Elliott Avenue on April 7, 1970, J.C.C. Page 813) lying southerly of and abutting the southerly line of Mt. Elliott Avenue and extending approximately 488 feet, measured on the centerline, and abutting the northerly line of that portion of said street vacated on April 7, 1970, J.C.C. Pages 821 and 822, said right - of way being part of the Southwest  $\frac{1}{4}$  of Section 16, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan and as shown on the attached Department of Public Works Drawing No. X-1317, dated October 20, 1970,

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 street 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 street hereinabove described for the purposes 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 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 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 be it further

Resolved, That should the petitioner contemplate removal of any pavement from the area described above, he shall notify the Michigan Consolidated Gas Company at least 30 days prior to the commencement of such work, and be it further

Resolved, That the Detroit Fire Department has free and easy access at all times to the fire hydrants located in the vacated area and that no fences or obstructions shall be constructed within 5 feet of said hydrants, and further

Resolved, That the petitioner shall install and maintain barricades and traffic restricting curbs, signs, gates or fences at the intersection of the street to be vacated with Mt. Elliott and at any railroad tracks in the vacated portion, all at his expense.

Adopted as follows:

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

Nays—None.

Department of Public Works  
December 23, 1970

Honorable Common Council:

Re: Petition No. 717

Louis Hardware Company

Dedication of New Alley in Block