

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 if any time in the future the paved street return is removed it shall be done under City permit and inspection and according to Department of Public Works specification with the entire cost being borne by the petitioner or his assigns; and be it further

RESOLVED, That the catch basin located at the southeast corner of Russell and Farnsworth remain in its present condition to drain Russell Street, if the drainage is changed by any action of the petitioner a new catch basin will be constructed in the Russell Street right of way by City permit and inspection and according to City specifications with the entire cost being borne by the petitioner or his assigns.

Unanimously adopted

Department of Public Works

August 15, 1973

Honorable Common Council:

Re: Petition No. 2619, Detroit Board of Education, Vacation of Bentler Avenue north of Verne and the remaining alleys in the block bounded by Chapel, Westbrook, Verne, and Grand River

The above petition requests the vacation of the above described street and alleys. 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 vacation of the street and a conversion to a sub-surface easement of the alleys.

The requested vacation 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 petition has issued the following Purchase Orders which have been credited to the departments named, for the purposes indicated:

Detroit Metro Water Department, P.O. No. 86402, \$1,200.00. For the estimated cost of abandoning water connections in the area to be vacated.

Detroit Metro Water Department, Sewer Design Section, P.O. No. 86403, \$29,100.00. For the estimated cost of sewer design and relocation of a sewer in the north-south alley.

Public Lighting Commission, P.O. No. 86401, \$2,500.00. For the estimated cost to relocate street lighting from the area to be vacated.

Department of Public Works, Street Maintenance Division, P.O. No. 86405, \$1,000.00. For the estimated cost to remove the paved street and alley returns and construct new curb and sidewalk.

DPW-Intersection Fund, P.O. No. 86404, \$305.00. For the original cost of paving the streets at the intersection of the street and alleys to be vacated.

The petitioner has requested that a portion of the sewer located in the north-south alley be relocated. They have agreed to pay the costs and to dedicate the necessary 20 foot wide easement for said sewer.

All other involved City departments and privately-owned utility companies reported that they have no objections 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,
CLARENCE C. RUSSELL
Commissioner

By Councilman Eberhard:

Resolved, That all that part of Bentler Avenue, 30 feet wide, north of Verne Avenue, abutting the westerly line of lot 25, and the alley at the rear of lot 25 of the Grand River Suburban Subdivision of part of the north ½ of Section 15, T. 1 S., R. 10 E., Redford Township and Village, Wayne County, Michigan, as recorded in Liber 35, Page 16, Plats, Wayne County records; also

All of the remaining 18 foot wide alleys in the block bounded by Chapel, Westbrook, Verne and Grand River Avenues platted in the above mentioned subdivision and as dedicated to the City of Detroit on January 19, 1932, said dedication being described as: "a portion of the N.W. ¼ of Section 15, T. 1 S., R. 10 E., described as follows: beginning at the south-westerly corner of lot 30 of Grand River Suburban Subdivision of part of the N. ½ of Section 15, T. 1 S., R. 10 E., as recorded in Liber 35, Page 16, of Plats, of Wayne County records; thence along the westerly

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line of said Grand River Suburban Subdivision S. 00 deg. 06 min. 30 sec. W. 679.86 feet to a point on the northerly line of the 16 foot public alley lying first northerly of Verne Avenue, thence along said alley line and said line extended S. 89 deg. 58 min. 35 sec. W. 314.45 feet to a point; thence along a line due North 2.00 feet to a point; thence along a line N. 89 deg. 58 min. 35 sec. E., 304.45 feet to a point; thence along a line being 10 feet westerly of and parallel with the westerly line of said Subdivision N. 00 deg. 06 min. 30 sec. E., 685.69 feet to a point; thence along a line S. 59 deg. 43 min. 25 sec. E., 11.57 feet to the place of beginning",

Be and the same are hereby vacated as a street and alleys to become a part and parcel of the abutting property, subject to the following:

An easement for subsurface public utilities is hereby retained in the north-south alley, 20 feet wide, first westerly of Westbrook Avenue and north of Verne Avenue, lying westerly of and abutting the westerly line of lots 40 to 50 and the southerly ten feet of lot 39 of the Grand River Suburban Subdivision as recorded in Liber 35, Page 16, Plats, Wayne County records, 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 a subsurface easement or right of way under said vacated public alley 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 things usually placed or installed under 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 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 Detroit Metro Water Department be and is hereby authorized to review the drawings for the lateral sewer, to prepare the necessary specifications, and to issue a permit to the Petitioner (No. 2619) to cover the relocation by private contract of an existing lateral sewer in the north-south and east-west alley south of Grand River Avenue and west of Westbrook Avenue, and be it further

RESOLVED, That the entire work is to be performed in accordance with plans and specifications approved by Detroit Metro Water Department and constructed under the supervision of the Inspection Section of Detroit Metro Water Department, and be it further

RESOLVED, That the Petitioner grant to the City a satisfactory sewer right of way covering the relocated lateral sewer, and be it further

RESOLVED, That the entire cost of the lateral sewer construction including inspection, survey, and engineering shall be borne by the Petitioner, and be it further

RESOLVED, That the Petitioner shall deposit with the Detroit Metro Water Department in advance of engineering, inspection and survey such amounts as that department deems necessary to cover the cost of these services, and be it further

RESOLVED, That the petitioner furnish the Detroit Metro Water Department a synthetic (MYLAR) reproduction of the sewer drawings which were prepared for him by a registered professional engineer, and be it further

RESOLVED, That upon satisfactory completion of the sewer construction the sewer shall be City property and become part of the City sewer system.

Unanimously adopted

Department of Public Works
July 31, 1973

Honorable Common Council:
Re: Contract PW-6209 — Area
Demolition — City-Owned Buildings, Group CO 72-2.
Contractor Atomic Lumber &
Wrecking Co.