

Adopted as follows:
Yeas — Councilmen Browne, Eberhard, Henderson, Hood, Levin, Rogell, and President Ravitz — 7.
Nays — None.

Department of Public Works
September 11, 1973

Honorable Common Council:
Re: Petition No. 7265.

We return herewith petition of the Charles Home Owners Improvement Association, Inc., 5566 Prescott, Detroit, Michigan, requesting the forced construction of sidewalks at the following described locations:

Property described as: All that pt. of S. E. $\frac{1}{4}$ of Sec. 17, T.1.S.R. 12 E. lyg. betw. Caniff and Eaton Land Co. Sub. No. 1 and btw. Mound Ave. and Alpena Ave. Exc. N. 359 ft. & exc. S. 199.89 ft. on W. line bg. S. 135 ft. on E. line of E. 135.24 ft. thereof; N. S. Caniff between Mound and Alpena, front and side on Mound. Approx. 156.35 Lin. Ft.

Lots 650 thru 656 & Vac. alley adj. Eaton Land Co. Sub. No. 1, L. 52 P. 76 Plats, W.C.R. — Also N. 359 ft. of that pt. of S. E. $\frac{1}{4}$ Sec. 17, T.1.S.R. 12 E. lyg. S. of said Sub. betw. Mound and Alpena; S. S. Casmere between Alpena and Mound, front and side on Mound. Approx. 577 Lin. Ft.

There is approximately 733.35 lineal feet of concrete sidewalks to be constructed; the approximate cost of this new local improvement would be \$3,373.41, the cost and expense to be assessed against such lot, lots or parcels of real estate to be benefitted by such local improvement in proportion to the probable benefit to be derived therefrom.

As these are original sidewalks and can only be constructed by a formal resolution as a forced account under the provisions of Chapter 264, as amended May 3, 1949, of the Compiled Ordinances, we recommend the adoption of the attached resolution.

Respectfully submitted,
CLARENCE C. RUSSELL
Commissioner

By Councilman Eberhard:

The Common Council of the City of Detroit deems it necessary to construct or reconstruct cement or concrete sidewalks, crosswalks, or driveways upon the descriptions of the properties heretofore described in the aforesaid communication, therefore;

Resolved: That The Department of Public Works be and is hereby instructed to serve notices upon the owners or agents of the properties heretofore described, to construct or reconstruct cement or concrete sidewalks, crosswalks, or driveways, and in default thereof by them The Department of Public Works proceed to construct or reconstruct such sidewalks, crosswalks, or driveways.

Adopted as follows:
Yeas — Councilmen Browne, Eberhard, Henderson, Hood, Levin, Rogell, and President Ravitz — 7.
Nays — None.

Department of Public Works

September 12, 1973

Honorable Common Council:
Re: Petition No. 7300 — Earthlyne McGhee, Remove wood from rear of 4840 Baldwin free of charge.

We return herewith Petition No. 7300 of Mrs. Earthlyne McGhee requesting removal of debris from burned out garage at rear of 4840 Baldwin free of charge.

An investigation by our Commercial Bureau confirms statement by Mrs. McGhee that she is on ADC and cannot afford to pay for disposal of the debris.

It is recommended that the lumber be removed free of charge by our Sanitation forces.

Respectfully submitted,
CLARENCE C. RUSSELL
Commissioner

By Councilman Levin:

Resolved, That the petition of Mrs. Earthlyne McGhee be granted and that Department of Public Works remove the debris at the rear of 4840 Baldwin free of charge.

Adopted as follows:
Yeas — Councilmen Browne, Eberhard, Henderson, Hood, Levin, Rogell, and President Ravitz — 7.
Nays — None.

Department of Public Works

September 5, 1973

Honorable Common Council:
Re: Petition No. 4512; Missionary Workers, Inc.; Conversion to Easement of the north-south alley first easterly of Cass between Stimson and Myrtle.

The above petition requests the conversion of the above described public alley, 15 feet wide, into an easement for public utilities. The requested conversion into easement for public utilities was 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. A 10271 - \$50.00.

For the original cost of paving Stimson Avenue at the intersection of the alley to be vacated.

The petitioner has also requested that the paved returns at the entrance to the alley 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 way into an easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLARENCE C. RUSSELL
Commissioner

By Councilman Rogell:

Resolved, That all that part of the north-south public alley, 15 feet wide, first easterly of Cass Avenue between Stimson and Myrtle Avenues lying between and abutting the northerly line of Stimson Avenue and the southerly line of Myrtle Avenue, as opened on December 26, 1962, J.C.C. 2928 to 2930, said alley appearing in the following subdivisions:

'Stimson's Subdivision of part of Park Lot 68', City of Detroit, as recorded in Liber 1, Page 217, Plats, Wayne County records;

Morhous Subdivision of lots 3 and 4 of Stimson's Subdivision of part of Park Lot 68, City of Detroit, Wayne County, Michigan, as recorded in Liber 20, Page 50, Plats, Wayne County records;

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 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 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 re-

quest 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 it becomes necessary to remove the paved alley returns, then such removal and construction of new curb and sidewalk will be done by City permit and inspection, and according to Department of Public Works specification with the entire cost being borne by the petitioner or his assigns.

Adopted as follows:

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

Nays — None.

Department of Public Works

September 10, 1973

Honorable Common Council:

Re: Petition No. 6043; Use of Berm Area for Off-Street Parking at the Northwest Corner of Cass and Willis.

In compliance with policy adopted by your Honorable Body on August 24, 1972, (J.C.C. Pages 2195-97) concerning use of berm areas for parking of motor vehicles, the Department of Public Works has consulted with the City Plan Commission, Corporation Counsel, Community Development Commission, and the Department of Streets and Traffic regarding the above petition.

All Departments have approved the use of the berm area for public parking. The Petitioner is to provide necessary concrete curb stops to prevent cars from overhanging the sidewalk.

We are, therefore, submitting the following resolution authorizing the use of berm area and recommend approval of same.

Respectfully submitted,
CLARENCE C. RUSSELL
Commissioner

By Councilman Rogell:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Robert A. Cobb to use southerly 25 feet of the paved area at the northerly side of Willis Avenue at the west side of Cass Avenue as