

law, being as follows:  
Michigan Department of State  
Highways, \$66,850.

City of Detroit, \$9,550.  
This agreement has been reviewed  
and approved as to form by the  
Corporation Counsel's office.

Sufficient funds are available in  
Account No. 195-9210-901. Because of  
the importance of maintaining the  
State Trunkline system in Detroit for  
the safety and convenience of the  
motoring public, we recommend  
adoption of the following resolution  
which approves this agreement,  
authorizes the Street Administrator  
to execute it on behalf of the City,  
and authorizes the Controller to  
honor vouchers for the City's share of  
the costs.

Respectfully submitted,  
CLARENCE C. RUSSELL  
Commissioner of Public Works  
ROBERT R. HICKS  
Director of Streets and Traffic

Approved:  
A. L. WARREN  
Deputy Controller

By Councilman Browne:  
Be It Resolved, That, in accordance  
with the above communication, the  
proposed agreement between the City  
of Detroit and the Michigan State  
Highway Commission, which provides  
for the City's participation in the cost  
of resurfacing Telegraph Road (US-  
24) between Puritan and Grand River,  
be and the same is hereby approved;  
and

Be It Further Resolved, That the  
Street Administrator, Mr. Robert R.  
Hicks, be, and is hereby authorized  
and directed to execute Agreement  
No. 73-0063 in behalf of the City of  
Detroit; and

Be It Further Resolved, That the  
Controller be, and is here  
authorized and directed to honor  
vouchers when received in accordance  
with the foregoing communication,  
subject to adjustment when final  
costs are known and to confirmation  
of Agreement No. 73-0063 by the  
Common Council, and charge them to  
Account No. 195-9210-901, Major  
Street Resurfacing.

Adopted as follows:  
Yeas — Councilmen Browne, Eber-  
hard, Henderson, Levin, Rogell, Wierz-  
bicki, and President Ravitz — 7.  
Nays — None.

**Department of Public Works**

May 16, 1973.

Honorable Common Council:

Re: Petition No. 4866, C. J. Addington,  
et al, 16742 Lamphere, Conversion  
to Easement of the north-south  
alley, first east of Lamphere  
Avenue between Dehner and  
Grove Avenues.

Gentlemen — The above petition  
requests the conversion of the above  
described alley, 20 feet wide 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:

All City departments and privately-  
owned utility companies reported that  
they will be unaffected by the  
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 reso-  
lution is recommended.

Respectfully submitted,  
CLAARENCE C. RUSSELL  
Commissioner

By Councilman Browne:  
Resolved, That all that part of the  
north-south public alley, 20 feet wide,  
first easterly of Lamphere Avenue,  
between Dehner and Grove Avenues,  
abutting the easterly line of lots 13 to  
20 and abutting the westerly line of  
lots 62 and 63 and the 20 foot wide  
public easement between lots 62 and  
63 inclusive of Allen L. Lamphere's  
Redford Subdivision on the east ½ of  
the northeast ¼ of Section 16, T-1-S,  
R-10-E, Wayne County, Michigan, as  
recorded in Liber 28, Page 98, 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



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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, Henderson, Levin, Rogell, Wierzbicki, and President Ravitz — 7.

Nays — None.

### Department of Public Works

May 15, 1973

Honorable Common Council:

Re: Petition No. 5804, Lambardi Dining and Cocktail Restaurant, etal. Conversion to Easement of Old Town, north of Warren.

Gentlemen — The above petition requests the conversion of Old Town Avenue, north of Warren Avenue, 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:

Street Maintenance Division Fund  
143-6241

Receipt No. A-43731 — \$958.00

For the original cost of paving Warren Avenue at the intersection Old Town Avenue to be vacated.

The petitioner has also requested that the paved return at the entrance to Old Town Avenue 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.

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 Eberhard:

Resolved, That all that part of Old Town Avenue, 60 feet wide, north of Warren Avenue, abutting the westerly line of Lot 11 and abutting the easterly line of lot 10 inclusive of "Cahill Park" Subdivision of part of lot 34 of Michael Cadieux Estate Subdivision of part of Private Claims 506 and 564, City of Detroit, Wayne County, Michigan, as recorded in Liber 53, Page 83, Plats, Wayne County Records;

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