

Yeas — Councilmen Browne, Henderson, Levin, Rogell, Wierzbicki, and President Ravitz — 6.
Nays — None.

Department of Public Works

April 12, 1973.

Honorable Common Council:

Re: Petition No. 5885. H. F. Campbell Company, Temporarily close the alley west of Western and south of Michigan and temporarily dedicate a new alley outlet into Michigan.

Gentlemen — Returning herewith Petition No. 5885 of the H. F. Campbell Company, 9301 Michigan Avenue, requesting the temporary closing of the above described alley. Said alley having been platted in Nall's Subdivision.

The temporary closing was recommended by the City Plan Commission with the further recommendation that a new alley outlet into Michigan Avenue be temporarily dedicated to concur with the closing.

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

All of the City Departments and privately-owned utilities have reported that they have no objections to the proposed closing or that they have reached satisfactory agreement with the petitioner.

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

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner.

By Councilman Browne:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue a permit to H. F. Campbell Company, owners of the property abutting the alley herein described to close the alley first southerly of Michigan Avenue and westerly of Western Avenue abutting the northerly line of lot 5 of Nall's Subdivision of part of Private Claim 40 lying south of Michigan Avenue, Township of Springwells, Wayne County, Michigan, as recorded in Liber 14, Page 75, Plats, Wayne County records; on a temporary basis for a three year period beginning on April 17, 1973;

Provided, That the petitioner dedicate on the same temporary basis a new 20 foot wide alley outlet into Michigan Avenue being described as:

The westerly 10 feet of lot 1 of Nall's Subdivision of part of Private Claim 40 as recorded in Liber 14, Page 75, Plats, Wayne County records; also, the easterly 10 feet of the northerly 85.42 feet of lot 1 of Leho Industrial Acres of part of Private Claim 61, and part of Fractional Section 16, T.2.S.,

R.11.E., City of Detroit and City of Dearborn, Wayne County, Michigan, as recorded in Liber 75, Page 59 and 60, Plats, Wayne County records,

Provided, That petitioner shall be subject to any tax which may be levied against it pursuant to law with regard to such use of public property, and further

Provided, Petitioner first furnishes an Agreement, in form approved by the Corporation Counsel, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the City Controller, and further

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds, by and at the permittee's expense, and further

Provided, That no building or other structure is constructed in said alley; that petitioner shall observe the rules and regulations of the Department of Public Works, and further subject to the following provisions:

The City of Detroit retains all rights and interests in the area herein temporarily closed;

The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed alley, and further

Provided, That at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the Department of Public Works, by and at the permittee's expense, and further

Provided, This resolution is revocable at the will, whim or caprice of the Common Council, and further, that grantee acquires no implied or other privileges hereunder, not expressly stated herein.

Adopted as follows:

Yeas — Councilmen Browne, Henderson, Levin, Rogell, Wierzbicki, and President Ravitz — 6.

Nays — None.

Department of Public Works

April 12, 1973.

Honorable Common Council:

Re: Petition No. 5509. Mr. A. Gancarz, et al, Conversion to Easement of the east-west alley in the block bounded by Newport, Loretta, Chalmers, Houston-Whittier, and Jane Avenues.

Gentlemen — The above petition requests the conversion of the above described alley, 18 feet wide into an easement for public utilities. The requested conversion into easement

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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:

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 resolution is recommended.

Respectfully submitted,

CLARENCE C. RUSSELL,

Commissioner.

By Councilman Browne:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Newport, Chalmers, Jane, Loretta, and Houston-Whittier Avenues abutting the southerly line of lots 52 to 58 and abutting the northerly line of lot 61 inclusive of the D.J.R. Subdivision of part of fractional sections 13 and 14, T.1.S., R.12.E., City of Detroit, Wayne County, Michigan, as recorded in Liber 41, Page 64, 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 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, Henderson, Levin, Rogell, Wierzbicki, and President Ravitz — 6.

Nays — None.

Department of Public Works

April 12, 1973.

Honorable Common Council:

Re: Petition No. 2273, Detroit Board of Education, Vacation of Fourth Avenue, north of Myrtle Avenue.

Gentlemen — The above petition requests the vacation of Fourth Avenue north of Myrtle Avenue. Subsequently the petitioner has requested that his petition be changed from the vacation of the above mentioned public right of way to a request for the conversion of same to an easement for subsurface public utilities.

The requested conversion into easement for subsurface 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 issued the following Purchase Orders which have been credited to the departments named, for the purposes indicated:

Fire Department, Purchase Order No. 19285, \$3,000.00. For the estimated cost to relocate one fire hydrant.

Street Maintenance Division, P. O. No. 19286, \$3,600.00. For the estimated cost to remove the paved street returns and construct new curb and sidewalks.

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 a subsurface 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,