

foregoing communication and this resolution.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Hood, Mahaffey, Rogell, and President Levin — 7.
Nays — None.

City Engineering Department
July 31, 1974

Honorable City Council:

RE: Petition No. 1112, Community and Economic Development Department, Conversion to Easement of a portion of Birwood Avenue between Chippewa and Norfolk Avenues.

The above petition requests the conversion of a portion of Birwood Avenue between Chippewa and Norfolk Avenues into an easement for subsurface public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department with the recommendation that sufficient land be dedicated for a new street turnaround. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

The necessary land for the new turnarounds was dedicated and set aside for street purposes by your Honorable Body on October 31, 1972, J.C.C. Page 2694.

All City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said street or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
HERMAN T. DUDLEY,
Director

Approved:
JAMES WATTS,
Director

Environmental Protection & Maintenance Dept.

By Council Member Eberhard:

Resolved, That all that part of Birwood Avenue, 50 feet wide, between Chippewa and Norfolk Avenues, abutting the front line of lots 555 to 561 and the southerly 20 feet of lot 562 and abutting the front line of lots 610 to 616 and the southerly 20 feet of lot 609 inclusive of the Grand Park Subdivision of the east 1/2 of the northeast 1/4 of Section 5, T.1.S., R.11.E., Greenfield Township, Wayne County, Michigan as recorded in Liber 42, Page 16, Plats, Wayne County records.

Be and the same is hereby vacated as a public street and is hereby converted into a subsurface public easement of the full width of the street, which subsurface easement shall be subject to the following covenants and agreements, uses re-

servations 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 a subsurface easement or right of way under said vacated public street hereinabove described for the purpose 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 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 City Engineering Department.

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 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.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Hood, Mahaffey, Rogell, and President Levin -- 7.
Nays — None.

City Engineering Dept.
July 22, 1974

Honorable City Council:

Re: Petition No. 736, Stephen Kanachki, et al., Conversion of Easement of the remaining portion of north-south alley north of Haverhill between Beaconsfield and Nottingham.

The above petition requests conversion of the above described portion of alley, 18 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 resolution is recommended.

Respectfully submitted,

HERMAN T. DUDLEY

Director

Approved:

JAMES WATTS

Director of Environmental

Protection & Maintenance Dept.

By Council Member Mahaffey:

Resolved, That all that part of the north-south public alley, 18 feet wide, not previously vacated in the block bounded by Haverhill, Courville, Nottingham, and Beaconsfield, abutting the rear line of lots 16 and 17 of "Kirwin's Houston Subdivision", being part of lot 5, of the subdivision of the back concession of Private Claims 262 and 273, City of Detroit, Wayne County, Michigan, as recorded in Liber 55, Page 17, Plats, Wayne County records; and abutting the rear line of lots 176 and 177 and the southerly 7.0 feet of lot 175 inclusive of "Ruehle Harper Avenue Subdivision No. 1", of the east 14 acres of lot 5 Subdivision of Back Concession of Private Claims 262 and 272, Township of Gratiot, Wayne County, Michigan, as recorded in Liber 47, Page 68, 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 and 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 City Engineering Department,

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 — Council Members Browne, Cleveland, Eberhard, Hood, Mahaffey, Rogell, and President Levin — 7.

Nays — None.

City Engineering Dept.

July 24, 1974

Honorable City Council:

Re: Petition No. 6853. Commercial Steel Treating Corporation. Conversion to Easement of the east-west and a portion of the north-south alleys in the block bounded by Carbondale, Military, Tireman, and Vancouver Avenues.

The above petition requests the conversion of the above described alleys, 15 and 14 feet wide, into an easement for public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department with the recommendation that sufficient land be dedicated for a new alley outlet into Carbondale. 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 deposits with the City Treasurer, which have been credited to the departments and accounts named, for the purposes indicated:

Public Lighting Department Fund 290-9423. Receipt No. A 2675. \$400.00. For the estimated cost to relocate lighting facilities.

Environmental Protection and Maintenance Department Permit Division. Permit No. GR 20784. \$675.00. For the estimated cost to construct a concrete alley return and grade and stone the newly dedicated alley outlet.

Intersection Fund 143-6241. Receipt No. A 2676. \$245.00. For the original cost of paving the streets at the intersection of the alleys to be vacated.