

FIRST, said owners hereby grant to and for the use of the public, an 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 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 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 if at any time in the future it becomes necessary to remove the paved alley returns, the cost of such removal and construction of new sidewalk and curb, shall be borne by the petitioner or his assigns.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Hood, Kelley, Mahaffey, Rogell, and President Levin — 8.

Nays — None.

City Engineering Department
October 30, 1974

Honorable City Council:

Re: Petition No. 4712 — Community and Economic Development Department Street and Alley Vacations, Ash-Humboldt Rehabilitation Project.

We wish to advise that in carrying out the development plan for the area known as the Ash-Humboldt Re-

habilitation Project, which is being undertaken by the City pursuant to Act 344 of the Public Acts of 1945, as amended, the Community and Economic Development Department has requested that a certain street be converted to a public easement and that certain alleys be converted to underground easements.

The Detroit Edison Company and the Michigan Bell Telephone Company have reported that they have lines and poles that will have to be removed and rerouted.

The Detroit Edison Company has listed \$10,000.00 as their costs of relocation.

The Michigan Bell Telephone Company has listed \$9,754.12 as their costs of relocation.

Your Honorable Body on September 25, 1974, passed a resolution authorizing and directing the Finance Director to pay the above amounts.

The Community and Economic Development Department has issued the following Inter-Departmental Purchase Orders:

S-22111—\$1,275.00, Street Maintenance Division E.P.M.D. To remove the paved alley return, construct new curb and sidewalk and backfill where necessary at the alley on the South side of Ash.

S-22113—\$445.00, Intersection Fund - E.P.M.D. For the original cost of paving the streets at the intersection with the streets and alleys to be vacated.

S-22112—\$48,500.00, Public Lighting Department. For the estimated cost to relocate their facilities.

All other City departments and privately owned utility companies reported that they will be unaffected by the conversion to easements of said rights-of-way or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

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

Respectfully submitted,

H. T. DUDLEY

Director

City Engineering Department

Approved:

JAMES W. WATTS

Director

Environmental Protection and Maintenance Department

By Council Member Mahaffey:

WHEREAS, the City of Detroit is undertaking the rehabilitation of the area known as the Ash-Humboldt Rehabilitation Project pursuant to Act 344 of the Public Acts of 1945, as amended, and

WHEREAS, in order to carry out the development plan for this project it is necessary for the City of Detroit to vacate a certain street and two alleys in the area; therefore be it

RESOLVED, That all that part of Ash Street, 50 feet wide, lying between and abutting the Westerly line

of Lawton Avenue and the Northeastly right-of-way line of the Jeffries Freeway; also

All that part of the North-South public alley, 20 feet wide, lying between and abutting the Southerly line of Ash Street, 50 feet wide and the Northeastly right-of-way line of the Jeffries Freeway; between the Jeffries Freeway and Lawton Avenue; also

All that part of the North-South public alley, 20 feet wide, in the block bounded by the Jeffries Freeway, Lawton, Ash and Myrtle lying between and abutting the Northerly line of Ash Street, 50 feet wide, and the Southerly line of Myrtle Street, 50 feet wide,

All of the foregoing street and alleys appear in the following subdivisions:

"Johnston's Subdivision" of Private Claim No. 727 and 729, being the central part of Private Claim 729 North of the Chicago Road, Lots 1, 2, 3, and 4 of the Subdivision of the Rear Concession of Private Claim 729 and Lots 1, 2, 3, and 4, of the Subdivision of the Rear Concession of Private Claim 727 recorded on May 31, 1864, in Liber 1, Page 139 Plats, Wayne County records; and

Subdivision of Lots 33, 34, 35, 39, and 40, of Johnston's Subdivision of Private Claims 727 and 729, recorded on June 21, 1870, in Liber 1, Page 270, Plats, Wayne County records; and

"Bradford Smith's Subdivision" of the West part of Private Claim 729, North of Chicago Road, now Michigan Avenue as recorded on October 31, 1866, in Liber 1, Page 183, Plats, Wayne County records; and

"John Kinsel's Subdivision" of Lots 27 and 28 of Johnston's Subdivision of Private Claims 727 and 729, as recorded on November 19, 1902, in Liber 22, Page 90, Plats, Wayne County records;

Be and the same are hereby vacated as a public street and alleys and are hereby converted into subsurface public easements of the full width of the street and alleys, which easements 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 alleys and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public subsurface easements or rights-of-way under said vacated public street and alleys 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 street and 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 easements, nor any change of surface grade made, without prior approval of the City Engineering Department,

THIRD, that if at any time in the future the owners of any lots abutting on said vacated street and alley shall request the removal and/or relocation of any existing utilities in said easements, 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, Kelley, Mahaffey, Rogell, and President Levin — 8.

Nays — None.

Environmental Protection and
Maintenance Department

October 25, 1974

Honorable City Council:

Re: Petitions Requesting the Paving
of Alleys.

Returned herewith are minority paving petitions listed below, which were referred to this office for report.

As submitted, these were majority petitions.

In an attempt to avoid future protests by the petitioners due to misunderstanding concerning costs, a letter was sent to each of the petitioners stating the estimated cost to him for paving his alley. The petitioner was also directed to sign and return the letter if he was still interested in having the alley paved.

Very few letters were returned.

Inasmuch as the signers of the petitions who still wish to have their alley paved now represent a minority of the abutting properties, we recommend that the following minority paving petitions be denied.

Petition No. 707; NS & EW; Maxwell, Seminole, Sylvester, Canfield.

Petition No. 884; EW; Woodmont, Mettetal, Grand River, Chalfonte.

Petition No. 1001; NS & EW; Lamont, Fenelon, Robinwood, E. Seven Mile.