

for the sum of \$350 cash, the City of Detroit to furnish Title Insurance, and be it further

Resolved, That said deed include the following clause:

This conveyance is given subject to the following restrictive covenant which shall be construed as a covenant running with the land and shall be binding upon the Grantee named herein and the successors and assigns thereof.

No structure shall be erected, placed or permitted to remain on the land herein conveyed except and only as such is made and used as part and parcel of Lot 5, the abutting property of which the Grantee herein is the title holder.

and be it further  
Resolved, That the Corporation Counsel be and is hereby authorized and directed to prepare said deed.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

#### Consumer Affairs Dept.

August 1, 1974

Honorable City Council:  
Re: Transfer of funds.

On July 1, 1974, the Consumer Affairs Department was created. Part of the department consists of the Bureau of Licenses and Permits which had, prior to July 1, 1974, been a part of the Department of Buildings and Safety Engineering. When this function was transferred to Consumer Affairs, an estimate was made of the cost of supplies necessary to continue the Licenses and Permit function in Consumer Affairs. In effect, the funds required for supplies and expense were transferred from Building and Safety to Consumer Affairs. This estimate of supply and expense costs, however, underestimates the cost of license plates which are issued to businesses for display when the license fee is paid. We, therefore, request that your Honorable Body authorize the transfer of \$2,000 from Account No. 102-1310-301, Supplies and Expense, to Account No. 105-1322-301, Supplies and Expense. The Director of the Building and Safety Engineering Department agrees this transfer is necessary in order to provide for the purchase of these license plates in the proper account.

Respectfully submitted,

ESTHER K. SHAPIRO

Director of Consumer Affairs

Approved:

CREIGHTON C. LEDERER

Director, Buildings and Safety Engineering

W. J. STECHER

Budget Director

G. F. FISHER

Finance Director

By Council Member Kelley:

Resolved, That the Finance Director be and he is hereby authorized and directed to transfer the sum of \$2,000.00 from Account 102-1310-301, Supplies and Expense to Account 105-1322-301, Supplies and Expense and honor vouchers when presented in accordance with the foregoing communication.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

#### City Engineering Dept.

September 10, 1974

Honorable City Council:

Re: Petition No. 7783. Michigan Consolidated Gas Company, Vacation of Brooklyn between Myrtle and Noble

The above petition request the vacation of Brooklyn between Myrtle and Noble Avenues. The requested vacation was approved by the Community and Economic Development Department. 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:

Water and Sewerage Department Fund 600 (0000) (6232) 001. Receipt No. C-7691 — \$4,000.00. For the estimated cost of cutting and capping the 6 inch water main located in the street to be vacated.

Water and Sewerage Department (Sewer Maintenance Division) Fund 500 (0000) (6229) 001. Receipt No. C-7692 — \$4,000.00. For the estimated cost to construct two catch basins in Noble Street to replace those in Brooklyn Avenue to be vacated.

Fire Department Fund 290-9406. Receipt No. C-7693 — \$9,400.00. For the estimated cost to relocate two fire hydrants from Brooklyn.

Public Lighting Department Fund 290-9423. Receipt No. C-7694 — \$500.00. For the estimated cost to relocate overhead lighting facilities from Brooklyn Avenue.

Environmental Protection and maintenance Department Street Maintenance Division Fund 143-6241. Receipt No. C-7689 — \$5,050.00. For the estimated cost to remove the paved street returns at the entrance to Brooklyn, construct new curb and sidewalk, and backfill where necessary.

Environmental Protection and Maintenance Intersection Fund 143-6241. Receipt No. C-7688 — \$238.00. For the original cost of paving Myrtle and Noble Avenues at the intersection of Brooklyn to be vacated.

Department of Transportation  
Fund 150-6226-001. Receipt No. C-  
7688 — \$55.00. For the estimated cost  
to remove the street signs from  
Brooklyn.

An easement is reserved in the  
vacating resolution for the Detroit  
Edison Company for the maintenance  
of its installations located in the  
public right of way to be vacated.

Proper provisions are incorporated  
into the vacating resolution protec-  
ting the City's interest in sewers  
located or to be located in the public  
right of way to be vacated.

All other involved City departments  
and privately-owned utility com-  
panies reported that they have no ob-  
jection to the proposed vacation or  
that they have reached satisfactory  
agreements with the petitioner  
regarding their installations 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 Cleveland:

Resolved, That all that part of  
Brooklyn Avenue, 60 feet wide, bet-  
ween Noble Street and Myrtle Avenue,  
abutting the front line of lots 30 to  
40, and northerly 29 feet of lot 29, the  
southerly 10 feet of lots 41 and 42,  
and abutting vacated Stimson  
Avenue, all inclusive of Crane and  
Wesson's Section of the Baker Farm,  
north of Grand River Road, Detroit,  
Wayne County, Michigan, as recorded  
in Liber 1, Page 4, Plats, Wayne  
County Records,

Be and the same is hereby vacated  
as a public street and is hereby con-  
verted into an easement for the  
Detroit Edison Company 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, ad-  
ministrators, and assigns, forever to  
wit:

First, said owners hereby grant to  
and for the use of the Detroit Edison  
Company an easement or right of way  
over said vacated public street  
hereinabove described for the pur-  
poses of maintaining, installing,  
repairing, removing, or replacing  
utilities such as electric light con-  
duits or poles or things usually placed  
or installed in a public street in the  
City of Detroit, with the right to in-  
gress 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, retain-

ing or partition walls (except  
necessary line fence) shall be built or  
placed upon said easement,

Thrd, that if at any time in the  
future the owners of any lots abut-  
ting on said vacated street 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 Detroit Edison Com-  
pany,

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 ac-  
cordance 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 by reason of the  
vacation of the above property, the  
City of Detroit does not waive any  
rights to the sewers located or to be  
located therein, and, at all times,  
shall have the right to enter upon  
the premises, if found necessary to  
repair said sewers, alter, service or  
install same, and further

Resolved, That no building shall be  
constructed over said sewers without  
the prior approval of such building  
construction by the Sewer Services  
Section of the Water and Sewerage  
Department and the Department of  
Buildings and Safety Engineering;  
and further

Resolved, In the event that the  
sewer located or to be located in said  
property shall break, causing damage  
to any construction, property or  
materials above, the petitioners and  
their assigns, by acceptance of the  
permit for construction over said  
sewer, waive all claims for damages;  
and further

Resolved, That if the sewer 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 il-  
lustration but not limitation, such as  
storage of excessive weights of  
materials, or any construction not in  
accordance with Provision 2, men-  
tioned above), then in such event,  
the petitioner or assigns shall be li-  
able for all costs incidental to the  
repair of such broken or damaged  
sewer; and shall also be liable for all  
claims for damages from his action.

Adopted as follows:

Yeas — Council Members Browne,  
Cleveland, Eberhard, Henderson, Hood,  
Kelley, Mahaffey, Rogell, and Presi-  
dent Levin — 9.

Nays — None.