

nan's Ferndale Subdivision of that part of Private Claim 267 north of the Wabash Railroad, City of Detroit, Wayne County, Michigan, as recorded in Liber 31, Page 3, Plats, Wayne County records.

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property; also

All that part of the east-west public alley, 18 feet wide, east of Green Avenue and south of Cahalan Avenue abutting the southerly line of Lots 56 to 67 and the northerly line of Lot 71 all inclusive of the above mentioned subdivision.

Be and the same is hereby vacated as a public alley to become a part and parcel of the abutting property, subject to the following provisions:

PROVIDED, 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

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

PROVIDED, 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

PROVIDED, 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 illustration but not limitation, such as storage of excessive weights of materials, or any construction not in accordance with Provision 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 sewer; and shall also be liable for all claims for damages resulting from his action, and be it further

RESOLVED, That said owners hereby grant to and for the use of the Michigan Bell Telephone Company an easement or right of way over said vacated public alley hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing utilities such as telephone 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, and further

PROVIDED, 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 of the Michigan Bell Telephone Company, and further

PROVIDED, 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, and further

PROVIDED, 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 the City Clerk is hereby authorized and directed to send a copy of this resolution to the Michigan Bell Telephone Company.

Adopted as follows:

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

Nays — None.

City Engineering Department  
October 9, 1975

Honorable City Council:

Re: Petition No. 1257 — E. T. Kowalski. Conversion to Easement of a portion of Morang Avenue west of the Ford Freeway.

The above petition requests the conversion of a portion of Morang Avenue west of the Ford Freeway into an easement for public utilities. The requested conversion into easement for public utilities 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:

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 Department

By Council Member Hood:

RESOLVED, That a part of Morang Avenue, 96 feet wide, between Camley Avenue and the Ford Freeway, abutting a portion of the southerly line of Lot 1 of the Coulter and Bleser Subdivision of Lot No. 19 of George H. Prentis Subdivision of part of the Rear Concession of Private Claim No. 122, City of Detroit, Wayne County, Michigan, as recorded in Liber 69, Page 79, Plats, Wayne County records, more particularly described as: Beginning at a point in the southerly line of Lot 1 of the above mentioned subdivision, said point being 78.05 feet easterly of the southwesterly corner of said lot 1, thence easterly along said southerly line of lot 1, 86.02 feet to a point in the easterly line of the 20.04 foot wide public utility easement; thence southerly along the easterly line of last mentioned easement, 20.90 feet; thence along a line in a northwesterly direction 87.52 feet to the point of beginning, all of the above mentioned subdivision.

Be and the same is hereby vacated as a public street and alley and is hereby converted into a public easement of the full width of the street and 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 street and 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 street and 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 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 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 and alley shall request the removal and/or relo-

cation 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 Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 8.

Nays — None.

#### City Engineering Department

October 6, 1975

Honorable City Council:

Re: Petition No. 1849 (1971) — Vacatation of Streets and Alleys in Department of Transportation Terminal Site — Warren and Chrysler Freeway.

On March 16, 1971 (J.C.C. Pages 548 to 553) your Honorable Body granted the petition of the Department of Transportation to vacate the streets and alleys at their Central Terminal site. This was undertaken by the City pursuant to Act 344 of the Public Acts of 1945 as amended (Michigan UTG4).

A sixty foot portion of Theodore Avenue and the alley south of Theodore both between Russell and Ripelle was not vacated at that time because the City did not own the abutting property.

This property has now been acquired and the vacations can be completed.

An easement for the Detroit Metro Water Department is retained for the maintenance of the sewers in Theodore and the alley described. Also, an easement for the Michigan Consolidated Gas Company is retained for the maintenance of their facilities located in Theodore Avenue.

All other involved City Departments and private utilities replied that they have no objections to the proposed vacations.

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

Respectfully submitted,  
HERMAN T. DUDLEY  
Director

Approved:  
JAMES WATTS  
Director

Environmental Protection  
& Maintenance Dept.