

ment 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 purposes 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 of 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, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 8.

Nays — None.

City Engineering Department

February 4, 1975

Honorable City Council:

Re: Petitions 5943 and 7448 — Frederick-Herrud, Inc. and Cadillac Local 22 U.A.W. General Motors Warehouse.

On December 28, 1973 (J.C.C. Page 3247) your Honorable Body adopted a resolution outlining the plan to resolve the problems caused by the vacation of Farnsworth Avenue between Russell and Riopelle Streets.

As part of these directions, a new Farnsworth Avenue is to be constructed and a portion of the Department of Transportation property declared surplus.

In order to accomplish the street relocation and make the right-of-way adjustments to provide for the sale of the surplus by the Department of Transportation, it will be necessary to vacate a portion of east-west alley in the block bounded by Russell, Riopelle, Theodore, and vacated Farnsworth Avenues, and to dedicate the necessary street right of way for relocated Farnsworth Street.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the portion of alley to be vacated.

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.

By Council Member Henderson:

WHEREAS, In order to create a new relocated Farnsworth Avenue, 50 feet wide, between Russell and Riopelle Avenues, it is necessary to dedicate sufficient land to create said street; and

WHEREAS, In order to create a uniform parcel of land for sale as surplus property by the Department of Transportation, it is necessary to vacate a portion of east-west alley in the block bounded by Russell, Riopelle, Theodore, and vacated Farnsworth Avenues; therefore be it

RESOLVED, That all that part of the following described strip of land:

Land in the City of Detroit, Wayne County, Michigan, being a strip of land, 50 feet wide, the north line of which is 112 feet south of and parallel to the south line of Farnsworth Avenue as opened March 14, 1870. The said parcel extends from the west line of Riopelle Street westerly to a line that is 20 feet easterly of the east line of Russell Street 60 feet wide and contains parts of Lots 4, 5, 6 and 17 thru 22 inclusively also contained in the bounds of this parcel are parts of a vacated public alley 16.60 feet wide, as vacated, March 16, 1971, first east of Russell Street lying between Farnsworth and Theodore Avenue; also that part of the east-west vacated public alley 18.78 feet wide, (vacated on March 16, 1971) first south of Farnsworth Avenue lying between Russell and Riopelle Streets all in the "Plat of the Betzing Subdivision of Lot 10 and South 31.45 feet of Lot 9 Guoin Farm, Detroit, Wayne County, Mich." as recorded in Liber 10, Page