

to School Street at Nevada remain in its present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

The petitioner also wishes to construct the new catch basin and sewer at Nevada by private contract. The City Engineering Department has no objection as long as the work is done under City permit and inspection and according to Metro Water Department specifications. The Petitioner, because this is a church addition, has requested that your Honorable Body waive the reimbursable intersection costs. The costs are \$607.00.

All other involved City departments and privately-owned utility companies reported that they have no objection 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 W. WATTS
 Director
 Environmental Protection &
 Maintenance Dept.

By Council Member Rogell:
 Resolved, That all that part of School Street, 50 feet wide, between the south line of Nevada Avenue, 70 feet wide, and the north line of the east-west public alley, 15 feet wide, south of Nevada Avenue, inclusive of Harrah's North Detroit Subdivision of lots 2, 3, 4, 29, 30, 31, 32, 38, 39, 40, 60, 61, and 62 and part of lots 5, 28 41 and 59 of P. W. Norris and W. A. Ennis Addition to the Village of Norris, Section 9, T. 1 S., R.12E., Hamtramck Township, Wayne County, Michigan, as recorded in Liber 37, Page 48, Plats, Wayne County records;

Be and the same is hereby vacated as a public street to become a part and parcel of the abutting property; and be it further

Resolved, That the paved street return at the entrance to School Street be removed and new sidewalk and curb constructed by private contract, under City permit and inspection, according to City Engineering Department specifications with the entire cost being borne by the petitioner, his heirs or assigns; and further

Resolved, That the installation of a catch basin on the south side of Nevada, east of School Street, and the necessary sewer pipe to the catch basin line on the north side of Nevada be done by private contract under City permit and inspection and according to City specifications with the entire cost being borne by the

petitioner, his heirs or his assigns; and further

Resolved, That the Finance Director is hereby authorized and directed to issue to the Bethesda Missionary Temple, Inc., a Quit Claim Deed and the Law Department is directed to prepare the deed to the above described portion of street; and further

Resolved, That the reimbursable cost of paving Nevada Avenue at the intersection with School Street is hereby waived.

Adopted as follows:
 Yeas — Council Members Browne, Cleveland, Eberhard, Kelley, Mahafey, Rogell, and President Pro Tem Henderson — 7.
 Nays — None.

*RECONSIDERATION (No. 5), per motions before adjournment.

City Engineering Department
 April 25, 1975

Honorable City Council:
 Re: Medical Center Rehabilitation
 Project No. 3. Michigan R-112,
 Petition No. 3938.

We wish to advise that in order to develop the parcels of land bounded by Brush, St. Antoine, Canfield, and Hancock, it will be necessary to vacate certain streets and alleys in the area.

It will also be necessary to make provisions for the removal of utilities from the areas to be vacated and the payment for such removal.

Further, on actions taken by your Honorable Body vacating streets and alleys in this project (5-30-72 J.C.C. pages 1326-28; 10-3-72 J.C.C. pages 2472-73; 6-19-73 pages 1622-25) our report indicated it would be necessary at a later date to make provisions for payment of the utility relocation costs.

The Detroit Edison Company has submitted costs of \$13,460.40 for work to be performed on this parcel of land and costs of \$16,593.67 for work already performed for a total cost of \$30,054.07.

The provisions for the past and current cost payments are contained in the attached resolution.

It will be necessary to grant temporary easements in some of the streets and alleys for the facilities of the Detroit Edison Company for the maintenance of said facilities. These easements will be in effect until the construction of the new Hutzel Hospital, at which time the facilities can be relocated and the easements vacated.

At a future date it will be necessary to adopt a resolution vacating the remaining portion of Forest Avenue in this project; however, it must now remain open until the widening of Warren Avenue is completed.

In view of the foregoing, it is requested that the following resolution be adopted vacating the streets and alleys and directing the various utilities to remove their installations from

those not retained as easements. Further, the Community and Economic Development Department has requested that your Honorable Body give this resolution immediate effect.

Respectfully submitted,
HERMAN T. DUDLEY,
Director

Approved:
JAMES WATTS
Director

Environmental Protection &
Maintenance Dept.
RONALD J. HEWITT

Director
Community & Economic
Development Department

By Council Member Rogell:

WHEREAS, In order to carry out a portion of the development plan for rehabilitating the area known as Medical Center Project No. 3, Michigan R-112, it is necessary to vacate certain streets and alleys in the area bounded by Brush, St. Antoine, Canfield, and Hancock; therefore be it

RESOLVED, That all that part of Beaubien Street, 50 feet wide, lying between and abutting the northerly line of Canfield, 60 feet wide, and the southerly line of Garfield Avenue, 60 feet wide; also

All that part of Beaubien Street, 50 feet wide, lying between and abutting the northerly line of Garfield Avenue, 60 feet wide, and the southerly line of Forest Avenue, 70 feet wide; also

All that part of Beaubien Street, 50 feet wide, lying between and abutting the northerly line of Forest Avenue, 70 feet wide, and the southerly line of Hancock Avenue, 70 feet wide; also

All that part of Garfield Avenue, 60 feet wide, lying between and abutting the easterly line of Brush Street, 60 feet wide, and a line 70.0 feet west of and parallel to the westerly line of St. Antoine Street; 50 feet wide; also

All that part of the southerly 20 feet of Forest Avenue, 70 feet wide, lying between and abutting the westerly line of Beaubien Street, 50 feet wide, and a line 70.0 feet west of and parallel to the westerly line of St. Antoine Street, 50 feet wide; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Brush, Beaubien, Canfield, and Garfield; also

All that part of the east-west and north-south public alleys, 20 feet wide, in the block bounded by Brush, Beaubien, Garfield, and Forest; also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Beaubien, St. Antoine, Canfield, and Garfield; also

All that part of the east-west public alley, 20 feet wide, extending westerly from a line 70.0 feet west of and parallel to the westerly line of St. Antoine, 50 feet wide, between Canfield and Garfield; also

All that part of the east-west public alley, 20 feet wide, extending

westerly from a line 70.0 feet west of and parallel to the westerly line of St. Antoine, 50 feet wide, between Garfield and Forest; and

All that part of the east-west public alley, 20 feet wide, extending westerly from a line 70.0 feet west of and parallel to the westerly line of St. Antoine, 50 feet wide, between Forest and Hancock;

The above streets and alleys appear in the following subdivisions:

"Brush Subdivision" of that part of the Brush Farm lying between the south line of Farnsworth Street and the south line of Alexandrine Avenue, Detroit, Wayne County, Michigan, as recorded in Liber 17, Page 29, Plats, Wayne County records; and

"Tregents' Subdivision" of Outlot 188 north of Fremont Street, Lambert Beaubien Farm, as recorded in Liber 2, Page 10, Plats, Wayne County records; and

"C. B. Edward's Subdivision" of Outlot 190, Lambert Beaubien Farm, Detroit, Michigan, as recorded in Liber 55, Page 242, Deeds, Wayne County records; and

"Candler's Subdivision" of Lots 7 and 8 and the north 24.40 feet of lot 6 and the south 23.88 feet of the north $\frac{1}{2}$ acre, all of the subdivision of Outlot 190, Lambert Beaubien Farm, City of Detroit, Wayne County, Michigan, as recorded in Liber 11, Page 9, Plats, Wayne County records; and

"Corliss and Danforth's Subdivision" of lot 1 of the Subdivision of Outlot 192 and the northerly 71.64 feet of Outlot 190 of the Subdivision of the Lambert Beaubien Farm, City of Detroit, Wayne County, Michigan, as recorded in Liber 9, Page 51, Plats, Wayne County records; and

"Plat of a part of the Beaubien Farm" in the City of Detroit as surveyed into town lots for the proprietors by John Mullett, Surveyor, Detroit, Wayne County, Michigan, as recorded in Liber 6, Page 475 to 478, City records; and

"Kane and Hibbard's Subdivision" of part of Outlot 191 on Forest and Hancock Avenues, Lambert Beaubien Farm, Detroit, Wayne County, Michigan, as recorded in Liber 4, Page 84, Plats, Wayne County records; and

"Armstrong's Subdivision" of part of Outlot 189, north of Canfield Avenue, Lambert Beaubien Farm, Detroit, Wayne County, Michigan, as recorded in Liber 18, Page 48, Plats, Wayne County Records; and

"Cleland and Cowles Subdivision" of the west 236 feet of the A. Beaubien Farm between Fremont Street and Warren Avenue, City of Detroit, Wayne County, Michigan, as recorded in Liber 9, Page 40, Plats, Wayne County records;

Be and the same are hereby vacated as public streets and alleys to become part and parcel of the abutting property subject to the following:

1. A Subsurface Easement is hereby retained for public utilities in Garfield Avenue, 60 feet wide, for the limits as above described, said subsurface easement is subject to the following:

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 hereinafter described for the purpose of installing, repairing, maintaining, 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 public streets in the City of Detroit, with the right to ingress and egress at any time to and over

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, also

2. Temporary easements are hereby retained for the Detroit Edison Company's facilities in the following streets and alleys:

a) In Beaubien Street, 50 feet wide, the westerly 12 feet of Beaubien from the north line of Garfield to the south line of Hancock, and the full width of Beaubien at the 20 foot wide alley between Forest and Hancock, and

b) In the 20 foot alley between Forest and Hancock for a distance of 200 feet extending from the east line of Beaubien.

c) For the full width of the alleys in the block bounded by Brush, Beaubien, Garfield, and Forest said easements are for the maintenance of Detroit Edison facilities; they shall have the right to ingress

and egress at any time to and over said easements for the purpose above set forth, and be it further

RESOLVED, That upon proper application, the Environmental Protection and Maintenance Department shall issue permits to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company to relocate their pipes, poles, and lines from the vacated streets and alleys not retained as subsurface easements to public streets more conveniently located in reference to the vacated streets and alleys and consistent with the public health, safety, convenience, and general welfare, and further

RESOLVED, That all City utilities are hereby directed to remove all their pipes, poles, and wires in these right of ways as expeditiously as possible and to consider the work as a portion of those right of way adjustments necessitated by the Medical Center Project No. 3 and further

Resolved, That the City Clerk is hereby directed to mail to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company a certified copy of this resolution, and further

Resolved, That the Community and Economic Development Department is hereby authorized and directed to pay to the Detroit Edison Company the costs listed above, namely \$16,593.67 for work already performed and \$13,460.40 for work to be performed in the above described portion of this project.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Kelley, Mahaffey, Rogell, and President Pro Tem Henderson — 7.

Nays — None.

*RECONSIDERATION (No. 6), per motions before adjournment.

Department of Transportation

April 16, 1975

Honorable City Council:
Re: Katherine Redus and Anderson Redus vs. City of Detroit, D.O.T. No. 73-241-646-NI.

We have reviewed the above captioned suit, the facts and particulars of which are set forth in the attached memoranda. From this review, it is our considered opinion that settlement in the following amount is in the best interest of the City of Detroit.

Katherine Redus, Anderson Redus vs. City of Detroit, D.O.T. \$8,500.00.

We, therefore, request your Honorable Body to authorize and direct the Department of Transportation to issue drafts in the amount of:

\$8,500.00 payable to Katherine Redus and Anderson Redus, plaintiffs, and plaintiffs attorney, James Rifkin.

The above to be delivered upon receipt of properly executed release