

When the project is approved by EDA, the funds requested by this letter will be charged against the Public Works grant and the appropriate accounts will be reimbursed.

We request that your Honorable Body appropriate \$5,000.00 from Agency 14 - Fund 0231, Urban Renewal Revenue - City Projects - for the purpose stated above.

Respectfully submitted,
RONALD J. HEWITT
Director

Approved:
W. I. STECHER
Budget Director
G. F. FISCHER
Deputy Finance Director

By Council Member Rogell:

RESOLVED, That the Finance Director be and he is hereby authorized and directed to transfer the sum of \$5,000.00 from Fund 14-0231 to Appropriation 4040 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.

Environmental Protection and Maintenance Department

December 3, 1976

Honorable City Council:

Re: Petition No. 1926, Detroit Board of Education, Vacation and Conversion to Easement of a portion of Holly Street west of Crawford and a portion of the alleys in the block south of South Street between Rademacher and Reid.

The above petition requests the vacation and conversion of the above described portion of street and alleys into an easement for public utilities. The requested vacation and conversion into easement for public utilities was approved by the Community and Economic Development Department with the recommendation that sufficient land be dedicated for a new alley outlet into Reid Avenue.

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

The petitioner has issued the following Purchase Order, which has been credited to the department named, for the purpose indicated:

EPMD — Intersection Fund
P. O. No. 31871 \$400.00

For the original cost of paving the streets at the intersection of the alleys to be vacated.

The petitioner has also requested that the paved return at the entrance to the alley to be vacated 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 dis-

continuance of use makes such removal necessary.

A Warranty Deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley outlet into Reid Avenue. This deed was approved as to form and execution by the Law Department and as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the easterly 10 feet of Holly to be vacated.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right of ways into easements provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
JAMES W. WATTS,
Director

By Council Member Mahaffey:

RESOLVED, That all that part of the northerly 20 feet of Holly Street, 60 feet wide, between Reid Avenue and Crawford Avenue abutting the southerly line of the easterly 115.87 feet of lot 13 of Johanna Hennesey's Private Plat of Outlots 84 and 79 of Crawford's Subdivision of the Fort Tract being Private Claim 270 the east part of Private Claim 267 and the west part of Private Claim 268 as recorded in Liber 345, Page 496, Deeds, Wayne County records; all of the above portion of said Holly Street having been platted as a part of Reid Avenue, 40 feet wide, lot 32 and the 6 foot wide public alley abutting the rear line of said lot 32 inclusive of Gorman's Addition of Lots 3 to 12, both inclusive, of Johanna Hennesey's Plat of Outlot 84 and 79 of Crawford's Subdivision of Fort Tract, being in Private Claims 270, 267, and 268, City of Detroit, Wayne County, Michigan, as recorded in Liber 25, Page 7, 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;

PROVIDED, the easterly 10 feet of the above described portion of Holly Street is subject to the following:

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 Water and

Sewerage 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 petitioner or 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 sewers; and shall also be liable for all claims for damages resulting from this action, and be it further

RESOLVED, That all that part of the L shaped north-south and east-west alleys, 12.25, 10 and 16 feet wide, southerly of South Street, between Rademacher and Reid Avenues all having been platted in the following subdivisions:

Gorman's Addition of Lots 3 to 12, both inclusive, of Johanna Hennesey's Plat of Outlot 84 and 79 of Crawford's Subdivision of Fort Tract being in Private Claims 270, 267, and 268 as recorded in Liber 25, Page 7, Plats, Wayne County records;

F. G. Russell's Subdivision of Lot 78, Crawford's Fort Tract, Springwells, Wayne County, Michigan, as recorded in Liber 14, Page 48, Plats, Wayne County records,

All of the above described alleys lie between and about the easterly line of Rademacher Avenue, 50 feet wide, and a line at right angles to a point 40 feet southerly of the north line of lot 30 of Gorman's Addition as described above,

Be and the same are hereby vacated as public alleys and are hereby converted into subsurface public easement of the full width of the alleys, 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 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 a subsurface easement or right of way over said vacated public 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 in a public alley in the City

of Detroit, with the right to ingress and egress at any time to and over said subsurface 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 Environmental Protection and Maintenance Department,

THIRD, that if at any time in the future the owners of any lots abutting on said vacated alleys 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 the Warranty Deed of the Board of Education deeding land to the City of Detroit for alley purposes described as

The south 20 feet of the north 60 feet of lot 30 of Gorman's Addition of Lots 3 to 12, both inclusive, of Johanna Hennesey's Plat of Outlots 84 and 79, of Crawford's Subdivision of Fort Tract, being Private Claim 270, 267, and 268, as recorded in Liber 25, Page 7, Plats, Wayne County records,

Be and the same is hereby accepted and the Finance Director is hereby directed to record said deed in the office of the Register of Deeds for Wayne County.

Adopted as follows:

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

Nays — None.

Environmental Protection and Maintenance Department

December 9, 1976

Honorable City Council:

Re: Petition No. 3365, International Minerals and Chemical Corporation, Temporary Closing of Sunset north of Nancy and the Vacation of the alley north of Nancy and east of Sunset.

Returned herewith is Petition No. 3365 of the International Minerals