

grantee acquires no implied or other privileges hereunder, not expressly stated herein.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Henderson, Kelley, Mahaffey, Rogell, and President Levin — 7.  
Nays — None.

**Environmental Protection &  
Maintenance Dept. City  
Engineering Division**

July 27, 1976

Honorable City Council:

Re: Petition No. 3004 Amber E. Howland Vacation of a portion and Conversion to Easement of the remaining portion of the easterly 13 feet of Pierson between Tireman and the alley first south of Tireman.

The above petition requests the vacation of a portion of the easterly 13 feet of Pierson Avenue and the conversion to an easement for public utilities of the remaining portion of the easterly 13 feet of Pierson between Tireman Avenue and the vacated alley first south of Tireman.

The requested vacation and 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:

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

Water and Sewerage Department Receipt No. C 1764 For the estimated cost to reroute a 6 inch water main from the portion of street to be vacated. \$900.00.

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,

JAMES W. WATTS

Director

By Council Member Mahaffey:

**RESOLVED**, That all that part of the easterly 13 feet of Pierson Avenue, 86 feet wide, abutting the southerly 30 feet of lot 564 of "Frischkorn's Parkdale Subdivision" of the west  $\frac{1}{2}$  of the east  $\frac{1}{2}$  of the southeast  $\frac{1}{2}$  of the southeast  $\frac{1}{4}$  and part of the west  $\frac{1}{2}$  of the southeast  $\frac{1}{4}$  of Section 3, T. 2 S., R. 10 E., Dearborn Township, Wayne County, Michigan, as recorded in Liber 45, Page 36 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 all that part of the easterly 13 feet of Pierson Avenue, 86 feet wide, not previously vacated, abutting the northerly 72 feet of lot 564 of "Frischkorn's Parkdale Subdivision" as recorded in Liber 45, Page 36, Plats, Wayne County records,

Be and the same is hereby vacated as a public street and is hereby converted into a public easement 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, 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 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 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 Environmental Protection and Maintenance 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 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, Kelley, Mahaffey, Rogell, and President Levin — 7.  
Nays — None.