

all of which appears from the records of the Board of City Canvassers now on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, at Detroit, this 14th day of November, A.D., 1977.

JAMES H. BRADLEY

(Seal) City Clerk
Received and placed on file.

**Environmental Protection and
Maintenance Department
City Engineering Division**

October 24, 1977

Honorable City Council:

Re: Petitions No. 3873 to 3877

Community & Economic Development Department. Conversion to Easement of Townsend Avenue and the vacation of the alleys east and west thereof all between Jefferson and Congress.

The above petitions request the vacation and conversion of the above 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. The petition was then referred to us for investigation and report. Our report, accompanied by the original petitions, is as follows:

The removal of the street paving and necessary improvements in the area are being done under Environmental Protection and Maintenance Contract PW 6578.

Provisions are made in the vacating resolution authorizing the Community and Economic Development Department to pay the private utilities for the removal and relocation of their facilities.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation and conversion to an easement of said street and alleys or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Henderson:

RESOLVED, That all that part of the north-south and east-west public alleys, 20 feet wide, in the block bounded by Sheridan, Townsend, Jefferson, and Congress having been platted in Moses W. Field's Subdivision of Private Claim 16, Hamtramck,

Wayne County, Michigan, as recorded in Liber 4, Page 10, Plats, Wayne County records; also

All that part of the north-south and east-west public alleys, 20 feet wide, in the block bounded by Townsend, Baldwin, Jefferson, and Congress, both inclusive of the above mentioned subdivision;

Be and the same are hereby vacated as public alleys to become a part and parcel of the abutting property; and further

RESOLVED, That all that part of Townsend Avenue, 60 feet wide, between Jefferson and Congress, having been platted in said Moses W. Field's Subdivision as recorded in Liber 4, Page 10, Plats, Wayne County records;

Be and the same is hereby vacated as a public street and is hereby converted into a subsurface public easement of the full width of the street, which subsurface easement shall be subject to the following convenants 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 a subsurface easement or right of way in 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 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 easements, 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 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 further

RESOLVED, That the Community and Economic Development Department is hereby authorized and directed to honor billings from the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company for the removal and relocation of their facilities as previously agreed to among the parties, 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 copy of this resolution.

Adopted as follows:

Yeas — Council Members Cleveland, Henderson, Hood, Kelley, Mahaffey, and President Levin — 6.

Nays — None.

**Environmental Protection and
Maintenance Department
City Engineering Division**

November 10, 1977

Honorable City Council:

Re: Petition No. 5391 & 7416, Rev. A
R. Polk, et al. Vacation of Stuart
Avenue east of Helen Avenue.

The above petition requests the vacation of the above described street, 60 feet wide. The requested vacation was approved by the Community & 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 also has requested that the paved return at the entrance to Stuart Avenue, 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 discontinuance of use makes such removal necessary.

An easement is reserved in the vacating resolution for the Public Lighting Department for the maintenance of its installations located in the public right of way to be vacated.

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 Hood:

RESOLVED, That all that part of Stuart Avenue, 60 feet wide, easterly of Helen Avenue, abutting the southerly line of lot 40 and the northerly line of lot 41 of the Mills Subdivision No. 4 on Private Claims 573 and 678, Detroit, Wayne County, Michigan, as recorded in Liber 28, Page 8, 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 subject to the following:

FIRST, said owners hereby grant to and for the use of the Public Lighting Department an easement or right of way over the southerly 12 feet of the westerly 20 feet of said vacated public street hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as 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, 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 in said easement, such owners, upon whose property the poles are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the Public Lighting Department,

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 Environmental Protection and Maintenance Department specifications, 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 if at any time in the future it becomes necessary to remove the paved street return, the cost of such removal, construction of new curb and sidewalk, and backfilling where necessary shall be the re-