

lowing deposits with the City Treasurer, which have been credited to the departments and accounts named, for the purposes indicated:

Public Lighting Department
 Receipt No. C 22147, \$250.00.

For the estimated cost to remove two light fixtures from the alley to be vacated.

EPMD — Intersection Fund \$140.00
 Receipt No. C 22146

For the original cost of paving Ruskin Avenue at the intersection of the alley 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 discontinuance of use makes such removal necessary.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of public right of way into an easement 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 Eberhard:

RESOLVED, That all that part of the north-south public alley, 20 feet wide, in the block bounded by 21th, 23rd, Ruskin, and the N.Y.C.R.R. right of way abutting the rear line of lots 9 to 17 and the southerly 20 feet of lot 18, and lots 47 to 55 and the southerly 20 feet of lot 46 all inclusive of the Subdivision of Outlots 54, 55, and part of 58, Porter Farm, Detroit, Wayne County, Michigan, as recorded in Liber 6, Page 10, Plats, Wayne County records,

Also all that part of the alley turnaround in the same above described block having been platted as the westerly 40 feet of lot 47 and the westerly 40 feet of the southerly 20 feet of lot 46, all inclusive of the above mentioned subdivision;

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, 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 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 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 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, and be it further

RESOLVED, That if at any time in the future it becomes necessary to remove the paved alley return at the entrance to the vacated alley, such removal will be done under City permit and inspection, according to Environmental Protection and Maintenance Department specifications with the entire cost borne by the petitioners, their heirs, or assigns.

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
 January 13, 1977

Honorable City Council:

Re: Petition No. 3901 — Baranel Enterprises, etal, Vacation of the remaining portion of the east-west alley west of St. Aubin, between Brewster and Wilkins.

The above petition requests the vacation of the above described portion of east-west alley, 20 feet wide. The requested vacation 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:

An easement is reserved in the vacating resolution for the Detroit Edison Company for the maintenance of its installations located in the public right of way to be vacated.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be 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 Eberhard:

RESOLVED, That all that part of the east-west public alley, 20 feet wide, not previously vacated in the block bounded by the Grand Trunk Railroad Right of Way, St. Aubin, Brewster, and Wilkins, abutting the rear line of lots 47 to 51 and lots 58 to 62 all inclusive of the Plat of the Subdivision of Outlot 34, St. Aubin Farm, Detroit, Wayne County, Michigan, as recorded in Liber 1, Page 173, Plats, Wayne County records,

Be and the same is hereby vacated as a public alley and is hereby converted into an easement of the full width of the alley, 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 alley and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the Detroit Edison Company 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 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 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, with-

out prior approval by the Detroit Edison Company,

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; and be it further

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 petitioners and 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 sewer; and shall also be liable for all claims for damages resulting from his action; and be it further

RESOLVED, That the City Clerk is hereby authorized and directed to send a copy of this resolution to the Detroit Edison Company.

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

January 18, 1977

Honorable City Council:

On January 5, 1977, Your Honorable Body confirmed Repair Sidewalk Assessment Roll No. 8-U. However, one of the items applied to that roll was incorrectly assessed.

To remove this item from said roll, we offer the following resolution.

Respectfully submitted,

JAMES W. WATTS,

Director

By Council Member Eberhard:

RESOLVED: That the City Treasurer be and he is hereby authorized to make the following deletion:

Roll 8-U-18, Lot 242 & N. 20 ft. of Lot 241; W.S. Hull between State Fair and Lantz, delete \$197.30, Item No. 20023-4, Bill No. 22733, Order No. 57259.

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

January 13, 1977

Honorable City Council:

Re: Petition No. 2769 — Woodward East Project. Closing of Edmund Place and Watson Street between John R. and Brush to vehicular traffic for use as pedestrian walkway.

The above petition requests the closing of Edmund Place and Watson Street between John R. and Brush to vehicular traffic and the construction of a pedestrian walkway over same.

The City of Detroit and the private utilities have no objections to the proposal, provided the resolution includes rights of ingress and egress to their facilities.

The proposed walkways will be assigned to the Recreation Department for maintenance purposes.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,

JAMES W. WATTS,

Director

Approved:

LEON H. ATCHISON

Director

Recreation Department

By Council Member Eberhard:

RESOLVED, That in accordance with the foregoing communication all that part of Watson Street and Edmund Place, both 60 feet wide, lying between John R. and Brush are hereby closed to vehicular traffic and are

hereby converted to pedestrian malls for the use of the general public.

PROVIDED, the City of Detroit retains all rights and interest to the area therein; and

PROVIDED, the City and all utility companies retain their rights to establish, maintain, and service any utilities in said area; and further any

RESOLVED, That the above described pedestrian malls, after construction is completed, are hereby assigned to the Recreation Department for maintenance.

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

January 24, 1977

Honorable City Council:

The Environmental Protection & Maintenance Department recommends the deletion of the following sidewalk assessments, same having been paid on Accounts Receivable Bills:

Partial Payment:

Roll 6-U-13, Lot 51; W.S. Dequindre between Victor and Chrysler, delete \$70.00, Partial Payment, Bill No. 22394, Item No. 17014, Treas. Receipt No. 11157.

Total Amount: \$70.00.

Full Payments:

Roll 6-U-3, W. 21.5 Ft. of Lot 9, Exc. Lodge Freeway as op., Blk. No. 1; N.S. Michigan between Lodge X-way and Brooklyn, delete \$228.96, Bill No. 22307, Item No. 423-40, Treas. Receipt No. 49593.

Roll 6-U-3, Lot 10, Blk. No. 1; N.S. Michigan between Lodge X-way and Brooklyn, delete \$331.66, Bill No. 22308, Item No. 422, Treas. Receipt No. 49592.

Roll 6-U-3, Lot 13, Blk. No. 1; N.S. Michigan between Lodge X-way and Brooklyn, delete \$335.52, Bill No. 22309, Item No. 421, Treas. Receipt No. 49591.

Roll 6-U-3, Lots 16 & 17, Blk. No. 1; N.S. Michigan between Lodge X-way and Brooklyn, delete \$56.58, Bill No. 22311, Item No. 419, Treas. Receipt No. 49589.

Roll 6-U-4, S. 87 Ft. on W. line bg. S. 57.26 Ft. on E. line of 18.5 Ft. of Lot 9; S. 57.26 Ft. on W. line bg. S. 13.98 Ft. on E. line of W. 26.92 Ft. of Lot 6, Blk. 1; N.S. Michigan between Lodge X-way and Brooklyn, delete \$590.90, Bill No. 22306, Item No. 441, Treas. Receipt No. 49590.

Roll 6-U-16, Lot 1798; N. 7½ Ft. of Lot 1799; W.S. Riopelle between State Fair and Lantz, delete \$27.90, Bill No. 22433, Item No. 18756, Treas. Receipt No. 8104.

Roll 6-U-16, S. 22½ Ft. of Lot 1799; N. 15 Ft. of Lot 1800; W.S. Riopelle between State Fair and Lantz, delete \$30.20, Bill No. 22434, Item No. 18757.