

The petitioner has requested that the paved return at the entrance to the portion of Mark Twain 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.

The Fire Department has provisions which are included in the attached resolution protecting the existing hydrants in the to be vacated street and to maintain a fire route over the said vacated street.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of the public right of way into 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 Mark Twain Avenue, 60 feet wide, lying between and abutting the northerly line extended easterly of vacated Foley Avenue, 60 feet wide, and the southerly line of the C&O Railroad Right of Way, the westerly 33 feet of said Mark Twain having been platted in "Frischkorn's Grand River Farms" of the west 1/2 of the west 1/2 of the southeast 1/4 of Section 30, T.1S., R.11E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 39, Page 64, Plats, Wayne County records; the easterly 27 feet of said Mark Twain having been platted in "Detloff Home Sites" being a subdivision of part of the east 1/2 of the west 1/2 of the southeast 1/4 of Section 30, T.1S., R.11E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 57, Page 29, 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, and be it further

RESOLVED, That the petitioner shall maintain the fire hydrants presently located at the northwest corner of vacated Foley Avenue and Mark Twain and on the west side of Mark Twain approximately 200 feet north of vacated Foley, also

RESOLVED, That the Fire Department shall have the right of ingress and egress to said hydrants at all times. No fence, materials or supplies shall be placed within 15 feet of said hydrant, also

RESOLVED, That if gates are placed across said vacated portion of Mark Twain they be equipped with break away locks to allow Fire Department entry at all times, and

RESOLVED, That the City Clerk is hereby directed to send a copy of this resolution to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Rogell, and President Levin — 8.

Nays — None.

Environmental Protection and
 Maintenance Department

February 20, 1977

Honorable City Council:

Re: Petition No. 4470, Detroit Board of Education, Vacation of por-

tions of public utility easements west of John R., between Holbrook and Owen Avenues.

The above petition requests the vacation of portions of the public utility easements in vacated Josephine and the vacated alleys north and south thereof as granted by your Honorable Body on June 17, 1969, J.C.C. Pages 1438-9 (Petition No. 7475).

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

The petitioner has issued the following Purchase Orders which have been credited to the departments and accounts named, for the purposes indicated:

Water and Sewerage Department
Purchase Order No. 46254 \$450

For the estimated cost of inspecting the abandonment of the water main located in the street to be vacated.

Public Lighting Department
Purchase Order No. 46255 \$28,500

For the estimated cost to relocate lighting facilities from the area 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 vacated Josephine Avenue, 60 feet wide, between Woodward and John R., as converted to a public utility easement on June 17, 1969, J.C.C. Pages 1438 and 1439 (Petition No. 7475) lying southerly of and abutting the southerly line of lots 5 to 9 and the westerly 4 feet of lot 10 and the north-south vacated alley, 20 feet wide between lots 5 and 6, and the north-south vacated alley, 20 feet wide, between lots 6 and 7; lying northerly of and abutting the northerly line of lots 60 to 64 and the westerly 4 feet of lot 59 all inclusive of Frazer and McLaughlin's Subdivision of the West 1880.54 feet of the South 297 feet of the North 654 feet and the West 1320 feet of the South 198 feet of the North 852 feet of 1/4 Section 44, 10,000 Acre Tract, Hamtramck, Wayne County, Michigan, as recorded in Liber 14, Page 29, Plats, Wayne County records; also

All that part of the east-west public easement, 18 feet wide, in the block bounded by Woodward, John R., Holbrook, and Josephine, lying southerly of and abutting the southerly line of lots 60 to 62 and the easterly 25 feet of lot 63; and the westerly 4 feet of lot 59; lying north-

erly of and abutting the northerly line of lots 75 to 77 and the westerly 4 feet of lot 78 and the westerly feet of lot 74, all inclusive of the above mentioned subdivision; also

All that part of the north-south public easement, 20 feet wide, first westerly of John R. Street between Josephine and Owen Avenues lying westerly of and abutting the westerly line of lot 7 and easterly of the westerly line of lot 6 inclusive of the above mentioned subdivision; also

All that part of the east-west public easement, 1750 feet wide, in the block bounded by Woodward, John R., Josephine, and Owen, lying northerly of and abutting the northerly line of lots 7 to 9 and the westerly 4 feet of lot 10, northerly of and abutting the north line of the north-south public easement, 20 feet wide, west of the westerly line of lot 7, all inclusive of the above mentioned subdivision; also lying southerly of and abutting the southerly line of the westerly 17 feet of lot 61, lots 62 to 64 and the easterly 17.0 feet of lot 65, all inclusive of Owen and Bartlett's Subdivision of the South 297 feet of the North 357 feet of the West 1880.54 feet of 1/4 Section 44, 10,000 Acre Tract, Hamtramck, Wayne County, Michigan, as recorded in Liber 15, Page 52, Plats, Wayne County records;

Be and the same are hereby vacated as public utility easements.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Rogell, and President Levin — 8.

Nays — None.

Environmental Protection and Maintenance Department

February 24, 1977

Honorable City Council:

Re: Conversion to Easement of Certain Residential Alleys.

The petitions listed below request the conversion of the described residential alleys into easements for public utilities.

Petition No. 1864—Petitioner: Vincent L. MacLean, etal — Location: All of the 7 ft. wide east-west alley first north of New York Avenue, between Cadieux and Guilford.

2882—Carol A. Mounsey, etal — The 20 ft. wide north-south alley in the block bounded by Ann Arbor Trail, West Parkway, Sawyer, and Hazelton.

2953—James R. Dingeman, etal — The 16 ft. wide north-south alley in the block bounded by Wormer, Clarita, Woodbine, and Grand River.

3247—Jeanne Wolff, etal — The 16 ft. wide north-south alley in the block bounded by Bralle, Florence, Patton, and Puritan.

3975—James N. Williams, etal — The 16 ft. wide north-south alley in the block bounded by Lakepointe,