

shall be liable for all costs incidental to the repair of such broken or damaged utility; and be it further

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 Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.
- Nays — None.

Environmental Protection and Maintenance Department

January 13, 1978

Honorable City Council:

Re: Petition No. 3157 — Detroit Board of Education. Conversion to easement for subsurface utilities of Wabash Avenue, between Forest and Warren.

The above petition requests the conversion of Wabash Avenue, between Forest and Warren into an easement for subsurface 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 issued the following purchase order which has been credited to the department named, for the purpose indicated:

Public Lighting Department

Purchase Order No. 42533 \$2,000.00

For the estimated cost to remove overhead lighting facilities.

Department of Transportation

Purchase Order No. 42532 \$10,000.00

For the estimated cost of traffic re-routing and re-signaling.

EPMD — Intersection Fund

Purchase Order No. 42587 \$550.00

For the original cost of paving the streets at the intersection with Wabash Avenue to be vacated.

The petitioner has also requested that the paved returns at the entrances to Wabash Avenue remain in their present status as the petitioner plans to utilize same, and had 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 Board of Education has reached an agreement with the Fire Department to abandon 3 hydrants and reinstall 2 hydrants at locations acceptable to the Fire Department. The Board will assume responsibility for

all work required by this hydrant work, including all inspection fees. Such work will be done by private contract in accordance with City specifications and all inspection fees shall be paid by and through said private contract.

All other involved City departments and privately-owned utility companies reported that they have no objection to the conversions of public right-of-ways into the 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 Cleveland:

RESOLVED, that all that part of Wabash Avenue, 65 feet wide, lying between and abutting the northerly line of West Forest Avenue, 70 feet wide, and the southerly line of West Warren Avenue, 70 feet wide, as platted in the following subdivisions:

Plat of part of the Godfroy Farm, P.C. 726, lying north of Grand River Avenue as recorded in Liber 7, Page 55, Plats, Wayne County records; also

Candler's Subdivision of Block 3 to 11, inclusive of Lot 3 of the Subdivision of the Lafferty Farm, North of Grand River Road, as recorded in Liber 1, Page 274, Plats, Wayne County records; and

The Re-subdivision of Lots 8, 9 and 10, Block 4, of Lot 3, Lafferty Farm, North of Grand River, as recorded Liber 1, Page 303, Plats, Wayne County records; and

Wynne's Subdivision of Lots 422 and 423 of the Subdivision of Private Claim 726, North of Grand River Avenue, known as Godfroy Farm, Detroit, Wayne County, Michigan, as recorded in Liber 13, Page 63, Plats, Wayne County records;

Be and the same is hereby vacated as a public alley and is hereby converted into a subsurface 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 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 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 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 pursuant to the agreement reached between the Board of Education and the Fire Department, all hydrant work will be done by private contract under City permit and inspection and according to the Water and Sewerage Department specifications with the entire cost being borne by the Board of Education; and be it further

RESOLVED, that the removal of the paved street returns, construction of new curbs and sidewalks be done by private contract under City permit and inspection and according to EPMD specifications with the entire cost being borne by the Board of Education; any ponding of water by the above construction or future grade changes will be cause for the construction or future grade changes will be cause for the construction of catch basins or regrading at the expense of the Board of Education; and be it further

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 Cleveland, Cockrel, Eberhard, Hood, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 9.

Nays — None.

Environmental Protection and Maintenance Department

January 13, 1978

Honorable City Council:

Re: Petition No. 6178 — Grand Trunk Western Railroad. Vacation of Guoin Street, easterly of Rivard.

The above petition requests the vacation of Guoin Street, easterly of Rivard Street. 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:

All City departments and privately-owned utility companies reported that they will be unaffected by the vacation of said street 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 Cleveland:

RESOLVED, That all that part of Guoin Street, lying easterly of Rivard Street as opened through Private Claims, 181, 7, and 132 in the "Plat of the proposed extension of Pine Street (now Guoin Street) to Guoin Street as recorded in Liber 10, Pages 17 and 18, City records, more properly described as:

Beginning at a point N-26°17'33"-W 186.96 feet from the northeast corner of Rivard Street and Atwater Street (50 feet wide) along the easterly line of Rivard Street; thence N-59°51'18"-E, 474.83 feet along the northerly line of Guoin Street; thence S-26°58'02"-E, 38.66 feet to the southerly property line of Guoin Street; thence S-59°51'18"-W, 475.28 feet along the south property line of Guoin Street to the easterly line of Rivard Street; thence N-26°17'33"-W, 38.69 feet along easterly line of Rivard Street to the point of beginning.

Be and the same is hereby vacated as a public street to become a part and parcel of the abutting property.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Kelley,