

of the public utility easement in vacated Brimson Avenue, east of Cliff.

The above petition requests the vacation of the southerly 40 feet of the public utility easement retained in vacated Brimson Avenue, 70 feet wide, east of Cliff.

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 portion of the easement or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
LOUIS W. KLEI,
City Engineer

Approved:
JAMES W. WATTS
Director

By Council Member Cleveland:

Resolved, that all that part of the southerly 40 feet of the public utility easement retained in vacated Brimson Avenue, 70 feet wide, (Petition No. 3416, January 30, 1968, J.C.C. Pages 167-8), between Cliff and the Grand Trunk Railroad, having been platted in the following:

1) Map and Plat of P. W. Norris and W. A. Ennis Addition to the Village of Norris as recorded in Liber 3, Page 95, Wayne County records; also

2) Harrah's North Detroit Subdivision of Lots 2, 3, 4, 29, 30, 31, 32, 38, 39, 40, 60, 61 and 62 and part of Lots 5, 28, 41, and 59 of P. W. Norris and W. A. Ennis Addition to the Village Norris, Section 9, T. 1 S., R. 12 E., Hamtramck Township, Wayne County, Michigan as recorded in Liber 37, Page 48, Plats, Wayne County records;

Be and the same is hereby vacated as a public utility easement.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Mahaffey, McFadden, and President Henderson — 7.

Nays — None.

Environmental Protection and Maintenance Department

March 28, 1978

Honorable City Council:

Re: Lafayette Avenue and Leib Street Easement. Vacation, Community

and Economic Development Department. Petitions #5820 - 5821 - Ren Center. Indoor Tennis & Racquet Club Petition #161.

In order to permit the sale and development of the parcel of land lying north of Lafayette Avenue, west of Mt. Elliott in Elmwood Park #2 renewal area, the Community and Economic Development Department has requested that a portion of the utility easement in the location of vacated Leib Street be vacated, also the northerly 70 feet, approximately, of Lafayette Avenue be vacated and included in the land sale of Ren Center Indoor Tennis and Racquet Club.

The Department of Transportation has reported that this part of Lafayette Avenue can be considered surplus due to the court decision which would not allow the construction of the widening of the street through the Beth El Temple Cemetery.

The Water and Sewerage Department has asked that an easement be retained in the former Leib Street right of way for a sewer that must remain in service. The petition of the Indoor Tennis and Racquet Club No. 161 to construct a building over this sewer has been referred to that Department for their processing of agreement concerning that proposal.

The Water and Sewerage Department also has a water main in the Leib Street right of way which must be capped and abandoned prior to construction of any encroachment into the easement. Arrangements for this work are being made by the Community and Economic Development Department.

All other utilities have indicated that they are not affected by the vacation of this street and easement. It is therefore recommended that the following resolution granting these vacations be adopted by Your Honorable Body.

Respectfully submitted,
LOUIS W. KLEI
City Engineer

Approved:
JAMES W. WATTS
Director
JOHN P. KANTERS
Director — Water and Sewerage Dept.

By Council Member Mahaffey:

Resolved, that all that part of Lafayette Avenue, 120 feet wide, abutting a portion of Lot 25 of the "Elmwood Park Urban Renewal Plat No. 2" of part of Private Claims 90, 14, 91, 733, 609, 9 and 454," and 453, 182, 15 and 18, City of Detroit, Wayne County, Michigan, as recorded in Liber 92,

Pages 77 to 82, Plats, Wayne County records, said portion of street is more properly described as: Commencing at the intersection of the northerly line of Lafayette Avenue, 120 feet wide, and the westerly line of Mt Elliott Avenue, 120 feet wide, said intersection also being the southeast corner of said Lot 25, "Elmwood Park Urban Renewal Plat No. 2", thence S. 59 deg 53 min 35 sec W., along the said northerly line of Lafayette Avenue, 275.00 feet to the place of beginning; thence S. 30 deg 05 min 29 sec E., 52.87 feet; thence S. 58 deg 46 min 54 sec W., 417.19 feet; thence N. 26 deg 07 min 20 sec W., 59.19 feet; thence 84.11 feet along the arc of a curve concave to the south, which has a radius of 1847.97 feet, a delta of 2 deg 36 min 28 sec and a long chord of 84.10 feet which bears N. 58 deg 35 min 21 sec E.; thence along the northerly line of Lafayette Avenue 120 feet wide, N. 59 deg 53 min 35 sec E., 328.93 feet to the place of beginning; also

All that part of the public utility easement in vacated Leib Street (Vacated November 5, 1969, J.C.C. 2734 - 45) between the northerly line of Lafayette and the southerly line of vacated Monroe Avenue, inclusive of the Plat of the West Half of Lots 5 and 7 of the Subdivision of the Leib Farm as recorded in Liber 1, Page 161, Plats, Wayne County records;

Be and the same are hereby vacated as a street and a public utility easement, subject to the following:

Easements are hereby retained for the Detroit Water and Sewerage Department in the following:

- 1) All that portion of vacated Leib Street as above described; and
- 2) All that part of Lafayette described as:

Commencing at the intersection of the northerly line of Lafayette Avenue, 120 feet wide, and the westerly line of Mt. Elliott Avenue, 120 feet wide, thence S. 59 deg 53 min 35 sec W., along the said northerly line of Lafayette Avenue, 415.90 feet to the place of beginning; thence S. 26 deg 05 min 32 sec E., 55.82 feet; thence S. 58 deg 46 min 54 sec W., 50.20 feet; thence N. 26 deg 05 min 32 sec W., 56.79 feet; thence N. 59 deg 53 min 35 sec E., 50.12 feet to the place of beginning all inclusive of the Elmwood Park Urban Renewal Plat No. 2 as recorded in Liber 92, Pages 77 to 82, Plats, Wayne County records;

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 pre-

mises, 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 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 this action.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, Mahaffey, McFadden, and President Henderson — 7.

Nays — None.

Environmental Protection and Maintenance Department

April 5, 1978

Honorable City Council:

On May 18, 1977, Your Honorable Body confirmed Repair Sidewalk Assessment Roll No. 3-V. On March 31, 1978, the City Treasurer accepted payment for one of the items applied to that roll.

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

Respectfully submitted,
JAMES W. WATTS

Director

By Council Member Mahaffey:

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

Roll 3-V-12, Lot 197 & S. 6 Ft. of Lot 198; E.S. Penrod between Joy and Dover, delete \$84.35, Item No. 77634, Bill No. 25387, Order No. 65382, Treas. Receipt No. 183.

Adopted as follows:

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