

Mahaffey, McFadden, Rogell, and
President Henderson — 9.
Nays — None.

**Environmental Protection &
Maintenance Department**

January 13, 1978

Honorable City Council:

Re: Petition No. 4773. General Motors Corporation. Vacation of Cedar Street between the Fisher Freeway and Harbaugh Avenue.

The above petition requests the vacation of the above described street, 50 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:

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated: EPMD — Intersection Fund. For the original cost of paving Harbaugh Avenue at the intersection of the street to be vacated. \$175.00.

An easement is reserved in the vacating resolution for the Water and Sewerage 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.

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 Cleveland:

RESOLVED, That all that part of Cedar Street, 50 feet wide, not previously vacated, lying between and abutting the easterly line of the Fisher Freeway and the westerly line of Harbaugh Avenue, 66 feet wide, as platted in "J. L. Riopelle's Subdivision", of part of P.C. 340 in Springwells, T.2S., R.11E., as recorded in Liber 13, Page 43, Plats, Wayne County records,

Be and the same is hereby vacated to become a part and parcel of the abutting property, subject to the following easement provisions:

1. An easement, the full width of the existing Cedar Street Right-of-Way is reserved For the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing or replacing any sewers, water mains, fire hydrants and appurtenances with the right of ingress or egress at any time to, and over said easement for the purpose above set forth.

Free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement, is required for Detroit Water and Sewerage Department equipment including the use of backhoe, bull dozers, cranes or pipe trucks and other heavy construction equipment as necessary for alteration or repair of the sewer or water main and facilities.

The Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide posts over its sewers and water mains at reasonable intervals and at points of deflection.

2. Said owners of the adjoining property for their heirs and assigns agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, et cetera shall be built upon or over said easement or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department.

3. 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 the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event the owner or assigns shall be liable for all costs incident to the repair of such broken or damaged sewers, mains, and shall also be liable for all claims for damages resulting from his action.

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 17, 1978

Honorable City Council:

Re: Petition No. 5860 — Cadillac

January 25

Local 22 — UAW. Vacate Easement — Michigan Avenue at Lovett Street.

This petition requests the vacation of an easement which lies north of and adjacent to Michigan Avenue to enable the United Auto Workers to construct an extension to their Local Hall located at 4300 Michigan Avenue.

This easement was acquired by the City for the sloped embankments incidental to the separation of grades of Michigan Avenue and the railroads which cross it just easterly of Lovett Street. The Circuit Court Action, File #1757, of October 23, 1942, established this easement. The title to the land remains with the Union as a part of the parcel on which they plan to expand their building.

The footings and walls for the proposed building addition will serve as retaining walls for the adjacent slopes, thus protecting the nearby City owned sidewalk. A provision is incorporated in the resolution stipulating that, in the event the building is not constructed or is subsequently removed, the slope must be restored at the petitioner's expense.

It is, therefore, recommended that your Honorable Body approve the attached resolution granting the vacation of this portion of slope easement.

Respectfully submitted,

JAMES W. WATTS,
Director

By Council Member Cockrel:

RESOLVED, That all that part of the easement for sloped embankments on the northerly side of Michigan Avenue, 120 feet wide, which lies within Lots 2, 3, and 4, Plat of Scotten and Lovett's Subdivision of that part of P.C. 583, north of Michigan Avenue, lying between the center of Michigan, Torrey Avenues and Lovett Street and the west line of P.C. 583, Liber 9, Page 6, Plats, W.C.R.; being more particularly described as: Commencing at the intersection of the westerly line of Lovett Street and the northerly line of Michigan Avenue as platted; thence N 88 deg. 52 min. 45 sec. W along the northerly line of Michigan Avenue 72.85 feet; thence N 26 deg. 34 min. 45 sec. W., 3.38 feet to the point of beginning of the parcel being described; thence N 26 deg. 34 min. 45 sec. W., 13.56 feet to a point on the northerly line of said easement; thence S. 88 deg. 52 min. 45 sec. W., 29.17 feet along said easement line to a point; thence S. 63 deg. 25 min. 15 sec. W., 25.83 feet to the point of beginning, be and the same is hereby vacated subject to the following provisions:

PROVIDED, That any building erected on said vacated easement

shall not disturb the adjacent slopes or public sidewalks and further

PROVIDED, That in the event that no building is erected or, if erected, is subsequently removed, said embankment shall be restored to its original slope at the expense of the petitioner or its heirs and assigns, and the City shall be granted an easement to maintain same, and further

PROVIDED, That this vacation shall take effect only after the recording of this resolution by and at the expense of the petitioner with the office of the Register of Deeds for Wayne County.

Adopted as follows:

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

Nays — None.

Environmental Protection & Maintenance Department

January 3, 1978

Honorable City Council:

Re: Petition No. 5975. Arthur Gagne, 16032 W. Warren. Request to use the berm area for off-street parking in front of the above address.

In compliance with policy adopted by your Honorable Body on August 24, 1972, (JCC Pages 2195-97) concerning use of berm areas for off-street parking of motor vehicles, the Environmental Protection and Maintenance Department has consulted with the Community and Economic Development Department, the Law Department, and the Department of Transportation regarding the above petition.

All Departments have approved use of the berm area for private parking.

We are, therefore, submitting the following resolution authorizing the use of the berm area and recommend approval of same.

Respectfully submitted,

JAMES W. WATTS
Director

By Council Member Mahaffey:

RESOLVED, That the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue permits to Arthur Gagne, 16032 West Warren, to use the berm area in front of the building for off-street parking

PROVIDED, That the necessary permits be obtained from the Environmental Protection and Maintenance Department; and

PROVIDED, That permittee at the time of obtaining said permits file with the Finance Department an indemnity agreement in form approved by the Law Department, saving and