

ford Avenue and between Fort Street and the W. St. L. and P.R.R., as recorded in Liber 23, Page 89, Plats, Wayne County records; and

6) Daniel Scotten's Subdivision of that part of Private Claim 32, and the east 735.90 feet of Private Claim 268, lying between Fort Street and River Road, Town of Springwells (now Detroit) Wayne County, Michigan, as recorded in Liber 9, Page 19, Plats, Wayne County records; and

7) Daniel Scotten's Subdivision of that part of Private Claim 268 lying between Fort Street and Sword Avenue and west of Artillery Avenue of Daniel Scotten's Subdivision of that part of Private Claim 32 and the easterly part of Private Claim 268, lying between Fort Street and the River Road, Township of Springwells, Wayne County, Michigan, as recorded in Liber 20, Page 66, Plats, Wayne County records;

Be and the same are hereby vacated as public street and alley and are hereby converted into an easement of the full width of the street and alley for the Detroit Edison Company, the Public Lighting Department and the Water and Sewerage Department, which easements 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 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, the Public Lighting Department and the Water and Sewerage Department easements or rights of way over said vacated public street and alley hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, electric light conduits or poles or things usually placed or installed in a public street or alley in the City of Detroit, with the right to ingress and egress at any time to and over said easements 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, not any change of surface grade made, without prior approval by the Detroit Edison Company, the Public Lighting Department and the Water and Sewerage Department.

THIRD, that if at any time in the future the owners of any lots abutting on said vacated street and 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 street or alley returns, such removal shall be done under City permit and inspection and according to Environmental Protection and Maintenance Department specifications with the entire cost borne by the petitioner; and be it further

Resolved, the City Clerk is hereby authorized and 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 Eberhard, Hood, Kelley, McFadden, and President Pro Tem Mahaffey — 5.

Nays — None.

**Environmental Protection and  
Maintenance Department  
City Engineering Division**

August 24, 1978

Honorable City Council:

Re: Petition No. 5945. Henry Ford Hospital. Conversion to Easement of Bethune Avenue, between Byron and the John Lodge Freeway.

The above petition requests the conversion of the above described street; 60 feet wide, into an easement for public utilities. The requested conversion into easement for 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 made the following deposits with the City Treasurer, which have been credited to



the departments and accounts named, for the purpose indicated:

Public Lighting Department Receipt No. A 3723 \$2,000.00 for the estimated cost to remove lighting fixtures from Bethune.

EPMD — Intersection Fund Receipt No. A 3724 \$1,022.00 for the original cost of paving Byron and Hamilton at the intersection with Bethune to be vacated. The petitioner has also requested that the paved returns at the entrance to Bethune remain in their 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 petitioner has agreed by letter to leave the paved street return at the Lodge Service Drive in place in order to allow street drainage from the Service Drive to flow to the existing catch basins and has further agreed to install new basins in the future if it becomes 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,

LOUIS W. KLEI

City Engineer

Approved:

JAMES W. WATTS

Director

By Council Member Hood:

Resolved that all that part of Bethune Avenue, 60 feet wide, lying between and abutting the easterly line of Byron Avenue, 60 feet wide, and the westerly line of the John C. Lodge Freeway, the northerly 10 feet of said Bethune Avenue, 60 feet wide, having been platted in the Irving Place Subdivision on  $\frac{1}{4}$  Section 55 of the 10,000 Acre Tract in T. 1 S., R. 11 E., Michigan, as recorded in Liber 11, Page 5, Plats, Wayne County Records; and the southerly 50 feet of said Bethune Avenue, 60 feet wide, having been opened on March 21, 1911 (J.C.C. Pages 341 and 342) described as: A strip of land, 50 feet wide, being a part of  $\frac{1}{4}$  Section 55 of the 10,000 Acre Tract, lying southerly of and abutting the southerly line of the Irving Place Subdivision as recorded in Liber 11, Page 5, plats, Wayne County Records and lying between and abutting the easterly line of Byron Avenue, 60 feet

wide, and the westerly line of the John C. Lodge Freeway,

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 assign, 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 Finance Director is hereby authorized and directed to issue a Quit Claim Deed for the above described vacated street to the



petitioners and the Law Department is hereby authorized and directed to prepare said deed; 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, the Michigan Bell Telephone Company and the Michigan Consolidated Gas Company.

Adopted as follows:

Yeas — Council Members Eberhard, Hood, Kelley, McFadden, and President Pro Tem Mahaffey — 5.

Nays — None.

**Environmental Protection & Maintenance Department  
City Engineering Division**

September 1, 1978

Honorable City Council:

Re: Petition No. 180. Mr. C's Deli.

Vacation of a portion of the north-south alley south of Warren between Bishop and Grayton.

On July 12, 1978 (J.C.C. Pages 1930-31) your Honorable Body granted the petition of Mr. C's Deli to vacate the above described portion of alley.

Further investigation reveals that it will be necessary to correct that resolution to indicate the proper width of the alley to be vacated. Further, the alley can be totally vacated as all utility companies and City departments have indicated they will not be affected or have reached a satisfactory agreement with the petitioner.

The adoption of the attached resolution is recommended.

Respectfully submitted,

**LOUIS W. KLEI**  
City Engineer

Approved:

**JAMES W. WATTS**  
Director

By Council Member Hood:

Resolved, that the resolution granting the petition of Mr. C's Deli (180) adopted on July 12, 1978 (J.C.C. Pages 1930 and 31) is hereby rescinded and replaced by the following resolution:

Resolved, that all that part of the north-south public alley, 20.07 feet wide, in the block bounded by Bishop, Grayton, Cornwall and Warren Avenues, the westerly 11.07 feet having been opened on October 25, 1950 (J.C.C. Page 3003) and described as "All that part of Private Claim 585 lying easterly of (and abutting) the east line of Lot 112 of Charles L. Poupard Estate Subdivision and the public alley, 9 feet wide, as platted in Volkening, Overfield and Lyons Subdivision", the easterly 9 feet of said north-south alley abutting the rear line of lots 149 and 150, the southerly 11.25 feet of lot 151, and the northerly

28.75 feet of lot 148 inclusive of Volkening, Overfield and Lyons Subdivision of the southerly portion of lot 6, Private Claim 585, Township of Grosse Pointe, Wayne County, Michigan, as recorded in Liber 16, Page 35, Plats, Wayne County records.

Be and the same is hereby vacated as a public alley.

Adopted as follows:

Yeas — Council Members Eberhard, Hood, Kelley, McFadden, and President Pro Tem Mahaffey — 5.

Nays — None.

**Fire Department**

August 18, 1978

Honorable City Council:

Re: Office of Highway Safety Planning (OSHP) Grant Revision.

The Detroit Fire Department was notified today, by Ms. Mary Geyer of the Finance Department, that our letter to the City Council dated February 2, 1978 (copy attached) must be resubmitted. There are two (2) major reasons for the requested change:

1. The Honorable City Council's letter indicated a total project cost of \$14,200, but did not break this total into necessary components.

A. \$9,994 Federal Funds for this project.

B. \$664 Local Match (30% of total cost of equipment to be used by City of Detroit).

C. \$3,542 Children's Hospital share of project.

2. The letter should have requested approval of project, approval of \$664 expenditure of City monies, and acceptance of \$3,542 from Children's Hospital.

We respectfully request your approval that \$664 be debited from Agency 26, Cost Center 0340, Object 2842, and that this amount (\$664) be credited to Agency 26, Cost Center 8028, Object 1831, Object Detail 50. This request will allow Emergency Medical Services Division to complete the communication project and improve the delivery of emergency medical services.

Respectfully submitted,

**PHILLIP F. GORAK**  
Deputy Fire Commissioner

Approved:

**CONLEY ABRAMS**  
Deputy Budget Director

**G. F. FISCHER**  
Deputy Finance Director

By Council Member Hood:

RESOLVED, That the Fire Department is hereby authorized to accept a grant of \$9,994 from the Office Highway Safety Planning, and a grant of \$3,542 from the Children's Hospital