

We are returning herewith Petition No. 5369 of the Liberty Temple requesting the temporary closing of the above described alley.

The temporary closing was recommended 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 utilities have reported that they have no objections to the proposed closing as long as the resolution grants them right of ingress and egress to their facilities.

An appropriate resolution containing all of the necessary provisions including those recommended by the Community and Economic Development Department is attached for consideration by your Honorable Body.

Respectfully submitted,

LOUIS W. KLEI

City Engineer

By Council Member Hood:

Resolved, that the Environmental Protection and Maintenance Department be and it is hereby authorized and directed to issue to the Liberty Temple, 1300 East Seven Mile Road, permits to close the easterly portion of the east-west alley, 16 feet wide, south of East Seven Mile Road, between Cardoni and Russell lying south of and abutting the southerly line of lots 293 to 297 and the easterly 12 feet of lot 292, and abutting the northerly line of lot 298, inclusive of the Cadillac Heights Subdivision as recorded in Liber 33, Page 81, Plats, Wayne County Records, on a temporary basis for a three year period which will expire on November 15, 1981;

Provided, that petitioner shall be subject to any tax which may be levied against him pursuant to law with regard to such use of public property, and further

Provided, petitioner furnishes an Agreement, in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permit, and providing for the faithful performance by the grantee of the terms hereof, and files same with the Finance Department, and further

Provided that said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds by and at the permittee's expense, and further

Provided, that no building or other

structure is constructed in said street; that petitioner shall observe the rules of the Environmental Protection and Maintenance Department, and further subject to the following provisions:

The City of Detroit retains all rights and interests in the area herein temporarily closed;

The City and all utility companies retain their rights to establish, maintain, and service any utilities in said area of temporarily closed alley;

Provided, that at the expiration of said permit, all obstructions therein shall be removed at the expense of the grantee, and the public property affected shall be restored to a condition satisfactory to the Environmental Protection and Maintenance Department, by and at the permittee's expense, and further

Provided, this resolution is revocable at the will, whim, or caprice of the City Council, and further, that grantee acquires no implied or other privileges hereunder, not expressly stated herein.

Adopted as follows:

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

Nays — None.

#### Environmental Protection & Maintenance Department

November 3, 1978

Honorable City Council:

Re: Petition No. 6138, C. Berthiaume, et al. Vacation of the east-west alley west of Ward and south of Eight Mile Road.

The above petition requests the vacation of the above described east-west-alley, 20 feet wide. the petitioner has requested that his petition be changed from the vacation of the above mentioned public right-of-way to a request for the conversion of same to 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 deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

EPMD - Intersection Fund - Receipt No. A-1325A \$197.00 for the original cost of paving Ward Avenue at the intersection of the alley to be vacated.

The petitioner has also requested

that the paved return at the entrance to the alley 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.

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 Kelley:

Resolved, that all that part of the east-west public alley, 20 feet wide, south of Eight Mile Road, between Cheyenne and Ward Avenues abutting the rear line of lots 2803 to 2807 inclusive of the Blackstone Park Subdivision No. 6 of part of the N ½ of Section 5, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan as recorded in Liber 52, Page 91, Plats, Wayne County Records,

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, 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 alley 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 alley 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 alley 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 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 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 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.

#### Department of Health

October 12, 1978

Honorable City Council:

Re: Acceptance of Grant — Urban Health Initiative.

The Detroit Health Department has received notification that a continuation grant in the amount of \$272,000 plus carry forward funds from the previous fiscal year has been given to the City by the U.S. Department of Health, Education and Welfare for the provision of health services in Southwest Detroit under a program known as the Urban Health Initiative. The grant covers the period October 1, 1978 through September 30, 1979.

Under this program, the present pediatric clinic at the Bruce Douglas Health Center will be expanded to provide complete Family Primary Health Care for approximately 1,500 children and 2,000 adults. Services in addition to those on site will include specialty out-patient, 24 hour emergency, in-patient and radiological. These will be furnished under a