

October 4

that permittee acquire no implied or other privileges hereunder not expressly stated herein; and

PROVIDED, that these permits shall not be assigned or transferred without written approval of the City Council; and

PROVIDED, that the securing of the necessary permits referred to herein shall not be construed, as acceptance of the terms of this resolution by the permittee; and

PROVIDED, that a certified copy of this resolution be recorded with the office of the Register of Deeds for Wayne County by and at permittee's expense; and

PROVIDED, that no rights in the public streets, alleys or other public places shall be considered waived by this permission, which is granted expressly on the condition that said encroachment and all obstructions in connection therewith shall be removed at the expense of the permittee at any time when so directed by the City Council, and that the public property affected shall be restored to a condition satisfactory to said Departments by said permittee at its expense.

Adopted as follows:

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

Nays — None.

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

September 20, 1978

Honorable City Council:

Re: Petition No. 78. Faygo Beverages, Inc. Conversion to Easement of Leland Street from Moran to Gratiot.

The above petition requests the vacation of Leland Street between Moran and Gratiot 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 purposes indicated:

Public Lighting Department \$300.00
for the estimated cost to relocate lighting facilities.

EPMD — Intersection Fund \$190.00
for the original cost of paving Moran Street at the intersection of Leland to be vacated.

The petitioner has also requested that the paved returns at the entrance to Leland Street at Moran and Gratiot 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.

All other involved City Departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-way into 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 Eberhard

Resolved, that all that part of Leland Street, 50 feet wide, between Moran Street and Gratiot Avenue being a part of the following subdivisions:

1) Plat of the subdivision of part of Lot No. 2 of the subdivision of part of the rear concession of P.C. 182, Detroit, Wayne County, Michigan as recorded in Liber 7, Page 18, Plats, Wayne County records; and

2) Plat of the subdivision of part of Outlot 1 of the subdivision of P.C. 182 as recorded in Liber 9, Page 95, Plats, Wayne County records,

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 in 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 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 Department of Public Works,

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 of 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, than 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 to the petitioner for the above described vacated street and the Law Department is directed to prepare said deed.

Adopted as follows:

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

Nays — None.

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

September 20, 1978

Honorable City Council:

Re: Petition No. 699. Presto Trims, Inc. Vacation of Elmira Avenue east of Freeland.

The above petition requests the vacation of Elmira Avenue, 60 feet wide, east of Freeland. 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:

An easement is reserved in the vacating resolution for the Water and Sewerage Department in the northerly 30 feet of said street to provide ingress and egress to maintain a sewer and manhole at the alley east of Freeland.

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,
LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS
Director

By Council Member Eberhard:

Resolved, that all that part of Elmira Avenue, 60 feet wide, east of Freeland, lying southerly of and abutting the southerly line of Lot 431 and the 9 foot wide north-south alley which abuts the rear line of said Lot 431 inclusive of the "Churchill Park Subdivision, of part of the W 1/2 of the N.E. 1/4 of Section 31, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 50, Page 52, Plats, Wayne County records,

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

FIRST, an easement or right-of-way is hereby granted to the Detroit Water and Sewerage Department over the northerly 30 feet of said vacated street for the purpose of ingress and egress at any time to the sewer located at the northerly property line of said street and the nine foot alley east of Freeland,

SECOND, said owners for their heirs and assigns agree that no buildings or structures shall be built or placed on said easement; and further

Resolved, that the Finance Director is hereby authorized and directed to issue a Quit Claim Deed to the above described vacated street to the petitioner and the Law Department is directed to prepare said deed.

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

September 11, 1978

Honorable City Council:

Re: Assessment of cost for weed and debris removal.

In accordance with Ordinances 397G and 398G, Abatement and Eradication of Weeds, the owner, occupant, agent or other person having control or management of lands in violation of said ordinances were notified of the existing violations. Upon failure