

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.  
Nays — None.

**Department of Public Works**

March 23, 1981

Honorable City Council:

Re: Petition No. 692 & 2719 General Motors Corporation. Vacation of Streets and Alleys in the area bounded by Scotten, Hubbard, Brandon, and the New York Central Railroad Right of Way.

The above petition requests the vacation of the streets and alleys in the above location. The requested vacations were 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:

Water and Sewerage Department

Receipt No. C 21169 — \$3,614.67. For the estimated cost of abandoning and the remaining equity in the water main located in Deming to be vacated.

Fire Department

Receipt No. C 21170 — \$1,200.00. For the estimated cost to abandon a hydrant in Deming east of Scotten.

Public Lighting Department

Receipt No. B 23333 — \$5,000.00. For the estimated cost to relocate lighting facilities.

DPW — Intersection Fund

Receipt No. B 23332 — \$741.00. For the original cost of paving the streets at the intersection of the streets to be vacated.

The petitioner has requested that the paved returned at the entrance to the streets and alleys to be vacated remain in their present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petitioner to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

An easement is reserved in the vacating resolution for the Detroit Edison Company for the maintenance of its installations located in the public rights-of-ways to be vacated.

Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located or to be located in the public rights of way to be vacated.

All other involved City Departments

and privately-owned utility companies reported that they have no objection to the proposed vacations 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 Hood:

Whereas, The General Motors Corporation has petitioned to vacate certain streets and alleys in the area bounded by Scotten, Hubbard, Brandon, and the New York Central Railroad Right-of-Way, and

Whereas, The streets and alleys appear in the following subdivisions:

1) Plat of the Subdivision of Lot 75 of the J. B. Campau Farm, P.C. 563, being the estate of Gilbert Campau, as recorded in Liber 181, Page 477, Deeds, Wayne County records; and

2) Plat of Daniel Scotten's Subdivision of Lots 15, 16, and 17 of Scotten's Subdivision of O.L. 74 of P.C. 563, J. B. Campau Farm, Town of Springwells (now Detroit), Wayne County, Michigan, as recorded in Liber 9, Page 4, Plats, Wayne County records;

3) Finn's Subdivision of Lot 37 of Scotten's Subdivision of Hubbard's Subdivision and of Lot 7 and the westerly 8 feet of Lot 8 of Martin's Subdivision of Scotten's Subdivision of Hubbard's Subdivision of P.C. 77, lying west of Indian (now Hubbard) Avenue, as recorded in Liber 22, Page 3, Plats, Wayne County records; and

4) Martin's Subdivision of Lots No. 38 and 39, Scotten's Subdivision of Hubbard's Subdivision of P.C. 77, lying west of Indian (now Hubbard) Avenue, Springwells (now Detroit), Wayne County, Michigan, as recorded in Liber 6, Page 11, Plats, Wayne County records;

5) Daniel Scotten's Subdivision of all that part of Bela Hubbard's Subdivision of P.C. 77, Knagg's or Hubbard's Subdivision (so called) lying between the Dix Road (so called) and the M.C.R.R., and between Vinewood and Indian Avenues. Also all that part of Bela Hubbard's Subdivision of P.C. 77 lying west of Indian Avenue and between M.C.R.R. and Lot 56 of B. Hubbard's Subdivision of P.C. 77, Detroit, Michigan, as recorded in Liber 1, Page 196, Plats, Wayne County records;

Now therefore be it,

Resolved, That the following streets and alleys:

1) Deming Street, 60 feet wide, between and east line of Scotten Avenue and the westerly line of Lots 34 and 35 of Daniel Scotten's Subdivision, Liber 1, Page 196, Plats, W.C.R.

2) Hubbard Avenue, 60 feet wide, abutting the easterly line of Lots 34 and 35 of Daniel Scotten's Subdivision, Liber 1, Page 196, W.C.R.

3) All of the public alleys, 18 and 20 feet wide, in the blocks bounded by Scotten, Hubbard, Brandon, and the New York Central Railroad right-of-way,

Be and the same are hereby vacated as public streets and alleys to become a part and parcel of the abutting property, subject to the following provisions:

First, said owners hereby grant to and for the use of the Detroit Edison Company easements or rights-of-way over said vacated public streets and alleys hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing utilities such as 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 easements, 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 streets and alleys 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

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 in Deming Avenue, 60 feet wide, between Scotten Avenue and the easterly line extended northerly of the 20 foot wide north-south alley east of Scotten; and in all of the alley, 18 and 20 feet wide, in the area bounded by Scotten, Hubbard, Brandon, and Deming, and, at all times, shall have the right to enter upon the premises, 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 Detroit 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 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 sewer; and shall also be liable for all claims for damages resulting from his action.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Hood, Kelley, Mahaffey, Rogell, and President Henderson — 7.  
Nays — None.

#### Department of Public Works

March 17, 1981

Honorable City Council:

Re: Petition No. 3944. Detroit Board of Education. Vacation of a portion of the utility easements south of Lafayette and east of McDougall.

The above petition requests the vacation of portions of the easements at the above locations. The petition was referred to us for investigation and report. Our report is as follows:

The petitioner has reached agreement with the Public Lighting De-