

Provided, that such use of said public property shall be made under the rules and regulations of the City Engineering Division, DPW, and the Department of Transportation in accordance with plans approved by those departments and the Community and Economic Development Department; and

Provided, that said permission may be rescinded at any time it is deemed necessary by the Department of Transportation, and further, that the issuance of the permits shall not in any way waive the rights of the City to utilize the area for street widening or other purposes as may become necessary in the future; and

Provided, the Department of Transportation shall erect signs that will limit parking on the berm area to 8 A.M. to 5 P.M., Monday thru Friday; and

Provided, that the parking spaces shall not in any way waive the requirements of the Zoning Ordinance regarding off-street parking; and

Provided, that this resolution is revocable at the will, whim or caprice of the City Council and permittee hereby expressly waives any right to claim damages or compensation for removal of encroachment; and further 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 the necessary permits referred to herein shall 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 and at permittee's expense

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 permittee at its expense.

Adopted as follows:

Yeas — Council Members Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.  
Nays — None.

**Department of Public Works**

May 25, 1982

Honorable City Council:

Re: Petition #602, New Center Development Partnership et al, Vacation or Conversion to Easements, Bethune Avenue & adjoining alleys G.M. Village Development Area.

The continuing development of housing in the New Center Development Area now requires the closing of a portion of Bethune Avenue and adjacent alleys in the area west of Third Avenue, south of Pallister Avenue. A mid-rise apartment building for the elderly will be constructed by the petitioners in this area.

The vacation of the public alley south of Bethune Avenue requires the relocation of the public sewer therein. The petitioner has requested permission from the Water and Sewerage Department (Petition #550) to relocate this facility by private contract.

In addition, the petitioner has requested the vacation and conversion to easements of portions of the east-west public alleys (as widened), north and south of Delaware west of Thir Avenue. The land for the widening of these alleys was conveyed to the City by the New Center Development Partnership on July 8, 1981 JCC pages 1657-1661. Reconveyance of these parcels will allow adequate parking areas for the low-rise cluster condominiums or single-family dwellings to be built in this area.

The petitioner has deposited the following amounts for the purposes indicated:

Public Lighting Dept.	\$4,500.00
Receipt #A30967	
For removal of PLD facilities in the street and alleys being vacated.	
Dept. of Transportation	\$20.00
Receipt #C22674	
For removal of signs in the street and alleys being vacated.	

The petitioner has agreed to remove the existing paved returns on the service drive and relocate catchbasins and curbs to provide proper drainage. Street drainage for the portion of Bethune remaining in place west of Third Avenue will be provided by the petitioner subject to approval by the City Engineer.

The petitioner has made provisions for the relocation of the fire hydrant from Bethune Street to a location in front of the new building. These arrangements have been approved by the Fire Department.

All other City Departments and privately-owned utility companies re-

ported that they have no objection to the proposed right-of-way changes.

The adoption of the attached resolution is recommended.

Respectfully submitted,

LOUIS W. KLEI  
City Engineer

Approved:

JAMES W. WATTS  
Director

By Council Member Collins:

Resolved, That all that part of Bethune Avenue, 60 feet wide, lying southerly of the westerly 45 feet of Lot 41, all of Lots 42 through 48 and the easterly 26.11 feet of Lot 49; northerly of the easterly 30.00 feet of Lot 58, all of Lots 59 through 65 and the westerly 45 feet of Lot 66, all in "Lothrop and Duffields Subdivision of part of ¼ Sections 55 and 56, T.T.A.T., Detroit, Wayne County as recorded Liber 17, Page 22 Plats W.C.R.

Be and the same is hereby vacated as a public street and is hereby converted into a sub surface 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 things usually placed or installed underground 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 utilities in said easement, such owners, upon whose property the 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 all that portion of the east-west 20 feet wide public alley lying north of Bethune Avenue, east of the John C Lodge Service Drive and west of relocated Pallister-Third Avenue which lies southerly of all or part of Lots 34 through 44 of "Leggets' Subdivision of part of Henry Weber's Subdivision of part of Sections 55 & 56 T.T.A.T. as recorded Liber 21, Page 53 Plats W.C.R. and northerly of all or part of the Lots 39 through 49 "Lothrop and Duffield's Subdivision of part of ¼ Sections 55 and 56, T.T.A.T., recorded Liber 17 Page 22 Plats W.C.R. being more particularly described as commencing at the southeast corner of Lot 33 of Leggets' Subdivision being the intersection of the northerly line of said alley and the westerly line of Third Street (as platted 80 feet wide); thence along said north alley line S.63° 07'33" W., 81.58 feet to the point of beginning; thence S.63°07' 33"W. along said alley line 478.99 feet to the easterly line of the John C Lodge Service Drive; thence S.26° 28' 47"E., 20.00 feet to the southerly line of said alley; thence N.63°07' 10"E. along said southerly alley line 493.83 feet, more or less, to the westerly line of the Pallister-Third Street right-of-way as opened in May 1982; thence northwesterly on a curve to the left having an arc of 24.83 feet, a radius of 380.00 feet and a chord bearing N.63° 11' 36" W., 24.83 feet to the point of beginning:

Be and the same is hereby vacated as a public alley to become part and parcel of the abutting property subject, however, to the following provisions

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 therein, 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 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 Provision 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; and be it further

Resolved, That all that portion of the east-west 20 feet wide alley south of Bethune Avenue between Third Street and the John C Lodge Service Drive described as lying southerly of Lots 60 through 65 and the westerly 45 feet of Lot 66, all in "Lothrop and Duffield's Subdivision of part of ¼ Sections 55 and 56, T.T.A.T. Detroit, Wayne County recorded Liber 17 Page 22 Plats W.C.R. and northerly of the westerly 45 feet of Lot 129 and all of Lots 130 through 135 of said Subdivision is hereby vacated as a public alley to become part and parcel of the abutting property; and be it further

Resolved, That all that portion of the above mentioned alley south of Bethune Avenue which lies westerly of the west line of Lots 60 and 135 and northerly of the easterly 40 feet of Lot 136 and southerly of the easterly 40 feet of Lot 59 of said Lothrop and Duffield's Subdivision is hereby vacated as a public alley, reserving therein an easement for the Public Lighting Department for the purposes of maintaining, installing, repairing, removing or replacing their facilities therein, with the right to ingress and egress at any time to and over said easement for the purposes set forth,

Provided, 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 said Public Lighting Department facilities, such owners upon whose property the facilities are located shall pay all costs incidental to such removal and/or re-

location unless such charges are waived by the Public Lighting Department; and be it further

Resolved, That the following described portions of the east-west public alleys lying north and south of Delaware Avenue and extending westerly from Third Avenue, being portions of land deeded to the City to widen said alleys (J.C.C., July 8, 1981 Pages 1657-1661)

The South 11.00 feet of Lot 24, Block 8, the south 11.00 feet of a vacated street (66 feet wide) lying between blocks 8 and 7, the south 11.00 feet of the West 30.50 feet of lot 13, block 7, all as platted in "Beck's Subdivision of part of Qr. Sec's No. 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan, as recorded in Liber 4 of Plats, page 59, Wayne County Records, and being more particularly described as follows: Commencing at the intersection of the South line of Seward Avenue (80 feet wide) and the West line of Third Avenue (80 feet wide) thence South 26 degrees 27 minutes 03 seconds East along the West line of said Third Avenue a distance of 174.83 feet to an alley corner; thence South 63 degrees 49 minutes 44 seconds West along the North line of a Public Alley (20 feet wide), a distance of 65.00 feet to a point; thence North 26 degrees 27 minutes 03 seconds West along an alley line, as widened, a distance of 11.00 feet to a point; thence South 63 degrees 49 minutes 44 seconds West along the North line of a public alley (31 feet wide, as widened) a distance of 51.50 to the point of beginning of the parcel of land herein being described; proceeding thence from said point of beginning, South 26 degrees 27 minutes 03 seconds East, a distance of 11.00 feet to a point on the South line of Lot 13, block 7, of said "Beck's Subdivision"; thence South 63 degrees 49 minutes 44 seconds West along the North line of a public alley, (20 feet wide), as platted in said subdivision, said line being also the South line of the West 30.50 feet of Lot 13, block 7, the South line of a vacated street (66 feet wide) lying between block 7 and block 8, and the South line of Lot 24, block 8, of said subdivision a distance of 140.00 feet to the Southwest corner of said lot 24, block 8; thence North 26 degrees 27 minutes 03 seconds West along the West line of said lot 24, a distance of 11.00 feet to a point; thence North 63 degrees 49 minutes 44 seconds East along the North line of a Public Alley (31 ft. wd.), as widened, a distance of 140.00 feet to the point of beginning. Containing 1,540 square feet, more or less, of land in area.



Part of lots 1 thru 6 inclusive of "Legget and Miller Subdivision of Part of lots 10 to 30 of Henry Weber's Subdivision of Part of ¼ Sections 55 and 56 10,000 Acre Tract, Detroit, Wayne County, Michigan" as recorded in Liber 28 of plats, page 3, Wayne County records, and being more particularly described as follows: Commencing at the intersection of the South line of Delaware Avenue (60 feet wide) with the West line of Third Avenue (80 feet wide), thence South 26 degrees 27 minutes 03 seconds East along the west line of Third 115.41 feet to an alley corner; thence South 63 degrees 27 minutes 02 seconds West along the North line of a public alley (31 ft. wd.), as widened, a distance of 70.00 feet to the point of beginning of the parcel of land herein being described; proceeding thence from said point of beginning South 67 degrees 15 minutes 53 seconds West a distance of 60.13 feet to a point on the line common to lots 2 and 3 of said "Legget and Miller Subdivision", thence South 63 degrees 27 minutes 02 seconds West along a line that is 4.00 feet North of, as measured at right angles to, and parallel to the South line of lots 3 thru 5 inclusive and the East 35.00 feet of lot 6 of said subdivision, a distance of 185.00 feet to a point; thence North 26 degrees 27 minutes 03 seconds West along the Southerly extension of the East line of an alley as opened thru part of said lot 6, a distance of 7.00 feet to an alley corner; thence North 63 degrees 27 minutes 02 seconds East along the North line of a Public alley (31 ft. wd.), a distance of 245.00 feet to a point; thence South 26 degrees 27 minutes 03 seconds East along the East line of the West 10.00 feet of said lot 1, a distance of 11.00 feet to the point of beginning, Containing 1,835 square feet, more or less, of land in area; also

The South 11.00 feet of the East 13.00 feet of Lot 13, Block 7, and the South 11.00 feet of the West 38.50 feet of Lot 14, Block 7, of "Beck's Subdivision of part of Qr. Sec's. No. 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 4 of Plats on Page 59, Wayne County Records, and being more particularly described as follows: Commencing at the intersection of the South line of Seward Avenue (80 feet wide) with the West line of Third Avenue (80 feet wide), Thence South 26 degrees 27 minutes 03 seconds East along the West line of said Third Avenue, a measured distance of 174.83 feet (described 175.00 feet) to an alley corner; thence South 63 degrees 49

minutes 44 seconds West along the North line of a Public Alley (20 ft. wd.), a distance of 65.00 feet to the point of beginning of the parcel of land herein being described; Proceeding thence from said point of beginning South 63 degrees 49 minutes 44 seconds West, along the North line of said public alley, as platted, said line being also the West 38.50 feet of the South line of lot 14, Block 7, and the East 13.00 feet of the South line of lot 13, Block 7, of said "Beck's Subdivision a distance of 51.50 feet to a point; thence North 26 degrees 27 minutes 03 seconds West, a distance of 11.00 feet to a point; thence North 63 degrees 49 minutes 44 seconds East along the North line of Public Alley (31 ft. wd.), as widened, a distance of 51.50 feet to a point; thence South 26 degrees 27 minutes 03 seconds East along the Easterly end of said Public Alley, as widened, a distance of 11.00 feet to the point of beginning, Containing 566 square feet, more or less, of land in area.

Be and the same are hereby vacated as public alleys and are hereby converted into public easements, 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 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 alleys 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 easements for the purpose above set forth,

Second, said utility easement or right-of-way in and over said vacated alleys hereinabove described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to

and over said utility easements with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

Third, 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 fence line) shall be built or placed upon said easements, nor any change of surface grade made, without prior approval of the Department of Public Works,

Fourth, that if at any time in the future, the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property that 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 existing fire hydrant in the area shall remain in service and that an additional hydrant and necessary fire lines shall be installed in the area at the petitioner's expense and in accordance with plans approved by the Water and Sewerage Department; and be it further

Resolved, That the Finance Department is hereby directed and authorized to issue a Quit Claim Deed to the above described parcels (three) of vacated east-west alleys adjacent to Delaware Avenue, and the Law Department is directed to prepare said deeds.

Adopted as follows:

Yeas — Council Members Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.  
Nays — None.

## Department of Public Works

June 9, 1982

Honorable City Council:

Re: Petition No. 5317. V. and F. Collision, 19101 Joy Road, Conversion to Easement of the east-west alley south of Joy Road between Piedmont and Warwick.

The above petition requests the conversion of the above described alley, 20 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 deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

DPW-Intersection Fund, Receipt No. A31132, \$448.00.

For the original cost of paving of Piedmont and Warwick Avenues at the intersection of the alley to be vacated.

The petitioner has also requested that the paved returns at the entrance to the alley to be vacated 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 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 Collins:

Resolved, That all that part of the east-west public alley, 20 feet wide, in the block bounded by Piedmont, Warwick, Van Buren and Joy Road, abutting the rear line of Lots 275 to 285 inclusive of Fitzpatrick's Villas, being a subdivision of the S.E. ¼ of the S.W. ¼ of Section 35, T.1S., R.10E., Redford Township and the N.E. ¼ of the N.W. ¼ of Section 2, T.2S., R.10E., Dearborn Township, Wayne County, Michigan as recorded in Liber 54, Page