

Adopted as follows:  
 Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 9.  
 Nays — None.

**City Engineering Department**  
 November 27, 1984

Honorable City Council:  
 Re: Petition No. 3025. Herman Deal, et al. Request to temporary close a portion of the east-west public alley south of Plymouth between Faust and Penrod.

We are returning herewith Petition No. 3025 of Herman Deal, et al, requesting the temporary closing of portion of the east-west public alley south of Plymouth between Faust and Penrod.

The request was approved by the Community and Economic Development Department with certain restrictions.

All other City departments and privately owned utility companies have reported that they have the right to ingress and egress at all times to their facilities.

An appropriate resolution containing the necessary conditions is attached for consideration by your Honorable Body.

Respectfully submitted,  
 CLYDE R. HOPKINS  
 Director

By Council Member Mahaffey:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue to Herman Deal, et al, permits to close the easterly 104 feet of the east-west public alley south of Plymouth between Faust and Penrod abutting the rear line of Lots 48 to 52 of "Emerson Park" a Subdivision of part of the N.E. ¼ of Section 35, T.1 S., R. 10 E., City of Detroit, Wayne County, Michigan as recorded in Liber 55, Page 45, Plats, Wayne County records, on a temporary basis to expire on November 1, 1989,

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 term 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, the Grantee shall acquire no implied or other privileges not expressly stated herein; and further

Provided, That no building or other structure is constructed in said alley; that petitioner shall observe the rules of the City Engineering Department; and further the City of Detroit retains all rights and interest 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 and further

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 City Engineering Department, by and at the permittee's expense, and further

Provided, That this grant may be revoked at the will, whim and caprice of the City Council without cause; and if this grant is continued for the five (5) year period, the City Council may, upon request and if the circumstances justify accordingly, grant an extension thereto.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 9.  
 Nays — None.

**City Engineering Department**  
 December 3, 1984

Honorable City Council:  
 Re: Petition Nos. 3022 and 3023. American Natural Resources "Harbortown" Project Vacation of Streets.

The above petitions request the vacation of portions of Walker, Adair, Wight and Leib Streets in the area bounded by McDougall, Mt. Elliott, Jefferson and the Detroit River.

The requested vacations were approved by the Community and Economic Development Department.

The petition was then forwarded to the City Engineering Department for investigation and report. Our report is as follows:

The requested vacation of Adair Street as it leads to the Detroit River, as directed by the State of Michigan Subdivision Control Act, will have to be processed through the Circuit Court. Proper provisions are included in the attached resolution authorizing and directing the Law Department to begin this process.

The petitioner has deposited the following sums with the City Treasurer in the accounts named for the purposes indicated:

**Water and Sewerage Department:**

1) \$3,000.00, Receipt No. A031785.

For the estimated cost to inspect the cutting and capping of a 6-inch water main in Adair Street and a 10-inch water main in Walker.

2) \$4,500.00, Receipt No. A031786.

For the estimated cost to inspect the cutting and capping of a 6-inch water main in Leib Street and a 10-inch water main in Wight Street.

3) \$5,000.00, Receipt No. 806110.

This deposit is to guarantee construction of a manhole by the petitioner on the existing sewer in Wight Street east of petitioner's property. The design and location of the manhole is subject to the approval of this department. This deposit shall be returned after satisfactory construction of the manhole.

\$3,200.00, Receipt No. B14846.

For the estimated cost to remove the street lighting and communication lines from Leib and Wight Streets to be vacated.

In addition the Water and Sewerage Department will require that the water mains in Leib and Wight Streets be kept in service during demolition on the site and maintained for fire protection and to maintain a looped water system to the Mt. Elliott Avenue area.

Also, provisions are contained in the vacating resolution protecting the City's interest in the sewer outfalls located in those portions of Leib, Walker and Adair to be vacated.

The integrity of the water distribution system will be maintained by the installation of new water mains, and the abandonment or removal of any sewers vacated under these petitions shall be at the petitioner's expense subject to the prior approval of the Water and Sewerage Department. Any bulkheads or additional manholes required shall also be built at petitioner's expense under City permit and inspection.

All other involved City departments and privately owned utility companies have replied that they have reached satisfactory agreements with the petitioner concerning their facilities located in the area.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Mahaffey:

Resolved, That the Law Department is hereby authorized and directed to petition the Circuit Court for the vacation of that portion of Adair Street, 60 feet wide, lying between and abutting a line which is 410 feet southerly of

and parallel to the southerly line of Wight Street, 50 feet wide, and the sea wall abutting the Detroit River, all inclusive of the Plat of the George Hunt Farm south of Gratiot Road as recorded in Liber 27, Pages 251 to 253 Deeds, Wayne County records; subject to an easement in the full width of the above described portion of Adair Street for the Water and Sewerage Department for maintenance of the existing 5 foot sewer outfall located therein; and be it further

Resolved, That all that portion of Wight Street, 50 feet wide, lying between and abutting the easterly line of Adair Street, 60 feet wide, and a line which is 225.51 feet easterly of and parallel to the easterly line of Leib Street, as plated in the Plat of Mc Dougall and Wight Streets through the Mc Dougall Farm as recorded in Liber 1, Page 155, Plats, Wayne County records, and as opened by the Common Council on October 1, 1864, J.C.C. page 170, except that portion lying between the easterly and westerly lines of Leib Street, extended southerly,

Be and the same is hereby vacated to become a part and parcel of the abutting property; and be it further

Resolved, That all that part of Wight Street, 50 feet wide, lying between and abutting the easterly and westerly line of Leib Street extended southerly, as opened by the Common Council on October 1, 1864, J.C.C. page 170; also

All that part of Leib Street lying between and abutting the southerly line of Jefferson Avenue, 120 feet wide, and the northerly line of Wight Street, 50 feet wide, of the Plat of Leib Street between Lots 2 and 3 of the Subdivision of the Leib Farm from Jefferson to Wight as recorded in Liber 1, Page 129, Plats, Wayne County records; also

All that part of Walker Street, 50 feet wide, lying between and abutting a line which is 160 feet southerly of and parallel to the southerly line of Guoin Street, 50 feet wide, and a line which is 200 feet southerly of and parallel to the southerly line of Guoin Street, 50 feet wide,

Be and the same are hereby vacated as public streets to become part and parcel of the abutting property, subject 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 of the above portion of this resolution shall be subject to the following:

- 1) The existing water mains in Leib and Wight Streets shall remain in service until replacement water mains are constructed and be kept in service during demolition on the site for fire protection; and
- 2) The Water and Sewerage Department shall have the unabridged rights to have access to and perform maintenance on the above water mains and to read any meters located thereon; and
- 3) Maintenance costs for the above water mains shall be borne by the petitioner, his heirs or assigns; and
- 4) All water used for construction shall be metered; and paid for by the petitioner; and
- 5) The proposed water system shall include a connection that will restore a looped water system to the Mt. Elliott Avenue area; and be it further

Resolved, That due to the vacation of Wight Street a new catch basin will be necessary in Adair Street at the southeast corner of Adair and Wight Streets, said construction shall be the responsibility of the petitioner and shall be done according to City specifications, under City permit and inspection with all costs borne by the petitioner, his heirs or assigns.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz and President Henderson — 9.

Nays — None.

### City Engineering Department

December 3, 1984

Honorable City Council:

Re: Petition No. 3211, MCI—Telecommunications Corporation, Requesting permission to install a telecommunication cable beneath or across various roads that intersect the Chesapeake and Ohio Railroad Right-of-way.

Returning herewith petition and print of the MCI-Telecommunications Corporation which requests permission to install a telecommunication cable beneath or across various streets that intersect the Chesapeake and Ohio Railroad Right-of-way.

The streets in question are: West Outer Drive, Burt Road, Evergreen Road, West Chicago Avenue and Joy Road.

None of these will require open cutting for cable placement. Joy Road, West Chicago Avenue, Burt Road and West Outer Drive will be jacked and bored. While at Evergreen, a grade separation crossing, the cable will be placed in railway ballast.

All involved City departments and privately owned utility companies have replied that they have no objection to this proposal provided care and caution are used in the boring and jacking operation to cross their properties. They have also requested that the petitioner make use of the "Miss Dig" facilities before construction and then become a participating member of that organization. This will minimize the chance of future damage to the petitioner's property.

In addition, the Water and Sewerage Department will require a minimum vertical clearance of one foot between their water mains and any bored pipe or cable crossing the mains.

An appropriate resolution, granting the petition, is attached for consideration by your Honorable Body.

Respectfully submitted,  
CLYDE R. HOPKINS

Director

By Council Member Mahaffey:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to the MCI-Telecommunications Corporation to install telecommunication cable beneath or across West Outer Drive, Burt Road, Evergreen Road, West Chicago Avenue and Joy Road at their