

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 other structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fence; also except the DWSD and B&SE approved roof canopy and overhead conveyor system encroachment, installed along the west side and across the herein above described north-south public alley, referenced above in the encroachment portion of this resolution) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the City Engineering Department,

Fourth, that if 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, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and

Provided, That if the alley return entrance (into Fourteenth) is used for access to employee parking, the owner of H and H Wheel Service, Inc. shall pay all costs to construct an approved concrete commercial driveway; subject to City Engineering Department specifications, permit, and inspection; and

Provided, That if it becomes necessary to remove the alley return at the (Fourteenth Street) entrance, such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the owner of H and H Wheel Service, Inc. their heirs or assigns; and

Provided Further, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs; and be it further

Resolved, The Finance Director is hereby authorized and directed to execute a quit-claim deed to transfer the following converted public (alley) right-of-way to "H and H Wheel Service, Inc.," 5111 Fourteenth Street, Detroit, Michigan 48208 (for the fair market value and/or other considerations):

Land in the City of Detroit, Wayne County, Michigan being the south 20.00 feet of Lot 499 of the "Plat of Part of the Godfroy Farm, Private Claim 726, lying North of Grand River Avenue," as recorded in Liber 7, Page 55, Plats, Wayne County Records; containing 2,900 square feet or 0.0666 acres, more or less; subject to an easement for public utilities.

Adopted as follows:

Yeas — Council Members Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

### City Engineering Department

November 27, 1989

Honorable City Council:

Re. Petition No. 3507, Community and Economic Development Department, Central Business District No. 1 — Development Project, Utility Easement to Vacate part of (converted) Porter Street between Third and Fourth.

To develop properties in Central Business District No. 1 — Development Project (Walbridge Aldinger, a Michigan Corporation) it is necessary to outright vacate the underground utility easement retained in part of (converted) Porter Street, 60 feet wide, between (converted) Fourth and Third Avenues.

The referenced portion of Porter Street was converted into an underground public utility easement by City Council on January 26, 1965 (J.C.C. page 153).

The sale of City-owned (development) property (part of Parcel 12) was approved by your Honorable Body on June 14, 1989 (J.C.C. pages 1472-73).

City departments and privately-owned utility companies have reported no objections to the outright vacation of the (converted) underground utility easement.

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

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Kelley:

All that part of the underground public utility easement, 60 feet wide (formerly a part of Porter Street, 60 feet wide lying between and abutting the east line of Fourth Avenue — 60 feet wide — and the west line of widened Third Avenue — 142 feet wide; said portion of Porter Street having been converted into an underground public utility easement on January 26, 1965 — J.C.C. page 153), being the easterly 218.00 feet of the northerly 60.00 feet of the southerly 340.00 feet of Lot 4 of "Detroit Urban Renewal Plat No. 1 of Part of Private Claims 23, 247, 55 and Military Reserve," City of Detroit, Wayne County,

Michigan as recorded in Liber 90, Pages 85 and 86, Plats, Wayne County Records;

Be and the same is hereby vacated as an underground public utility easement to become part and parcel of the abutting property; and be it further

Resolved, Pursuant to the Court ruling in *Center Line v. Michigan Bell Telephone Co.*, 26 Mich. App 659 (1970), aff. 387 Mich. 260 (1972), the Community and Economic Development Department is hereby authorized to process billings from utility companies and others for the relocation of their equipment in connection with this urban renewal project; and further

Provided, That a certified copy of this resolution shall be recorded (by the Community and Economic Development Department) with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 7.

Nays — None.

#### City Engineering Department

November 20, 1989

Honorable City Council:

Re: Petition No. 3494(a) Community and Economic Development Department, Jefferson Chalmers Neighborhood Development, Project — Part of Parcel 6, Streets and Alleys to Vacation north of Freud between Dickerson and Coplin.

To develop properties in Jefferson Chalmers Neighborhood Development Project (Jefferson Meadows — Senior Citizen Housing Development) it is necessary to vacate several public streets and alleys north of Freud Avenue between Dickerson and Coplin Avenues.

The sale of City-owned (development) property was approved by your Honorable Body on July 31, 1989 (J.C.C. pp. 1860-61).

The Jefferson Meadows — Senior Citizen Housing development plan was recommended by the City Planning Commission in a report to Council (dated October 27, 1989).

The public street and alley closings were approved by the Department of Transportation.

Satisfactory arrangements have been made with all City departments and privately-owned utility companies.

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

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Peoples:

Resolved, All that part of the north-south public alley, 18 feet wide, north of

Freud Avenue between Dickerson and Lenox Avenues lying easterly of and abutting the east line of the south 6.00 feet of Lot 797; also lying easterly of and abutting the east line of Lots 789 thru 796 as platted in "St. Clair Park Subdivision of part of Private Claims 315 and 322 South of Jefferson Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 27, Page 90, Plats, Wayne County Records; also lying westerly of and abutting the west line of the south 21.00 feet of Lot 33 (Block A); also lying westerly of and abutting the west line of Lots 34 thru 43 (Block A) as platted in "(Block A) Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

All that part of Lenox Avenue, 50 feet wide, north of Freud Avenue lying easterly of and abutting the east line of the south 21.00 feet of Lot 33 (Block A); also lying easterly of and abutting the east line of Lots 34 thru 43 (Block A); also lying westerly of and abutting the west line of the south 21.00 feet of Lot 35 (Block B); also lying westerly of and abutting the west line of Lots 36 thru 45 (Block B) as platted in "(Blocks A and B) Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

All that part of the north-south public alley, 18 feet wide, north of Freud Avenue between Lenox and Drexel Avenues lying easterly of and abutting the east line of Lots 32 thru 45 (Block B); also lying westerly of and abutting the west line of Lots 138 thru 151 (Block B) as platted in "(Block B) Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

All that part of Drexel Avenue, 60 feet wide, north of Freud Avenue lying easterly of and abutting the east line of Lots 138 thru 151 (Block B); also lying westerly of and abutting the west line of Lots 28 thru 41 (Block C) as platted in "(Blocks B and C) Jefferson Park Subdivision of the Jefferson Park Realty Company," City of Detroit, Wayne County, Michigan as recorded in Liber 26, Page 93, Plats, Wayne County Records;

Be and the same are hereby vacated as public (street and alley) rights-of-way to become part and parcel of the abutting property; and be it further

Resolved, Pursuant to the Court ruling in *Center Line v. Michigan Bell Telephone Co.*, 26 Mich. App 659 (1970), aff.