

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 further

PROVIDED, That if it becomes necessary to remove the paved alley return(s) at their entrance(s) (into Greenview and/or Faust Avenues), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owner(s), their heirs or assigns; and further

PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

Department of Public Works City Engineering Division

July 25, 1996

Honorable City Council:

Re: Petition No. 1725. Difco Laboratories Utility Easement to Vacation a 12.50 feet by 30.00 feet part of the eastern side of Fifth between Henry and Pine
Petition No. 1725 of "Difco Laboratories, Inc." requests the outright vacation of a part (12.50 feet by 30.00 feet) of the converted utility easement being part of the eastern side of Fifth Street (50 feet wide) between Henry and Pine Streets. City Council converted said Fifth Street into a private easement for public utilities on February 1, 1984 — J.C.C. pages 170-71. The petitioner will improve a truck loading dock.

The petition was referred to the City Engineering Division — DPW for investigation (utility clearances) and report. This is our report:

The Detroit Edison Company reports a steam line on the western side of Fifth. Edison has no objections to the proposed partial vacation, since the steam line will remain secure in the remaining easement.

The Public Lighting Department [PLD] reports an overhead street lighting circuit within Fifth. PLD has no objections to the proposed partial vacation; subject to minimum clearances of 3.50 feet horizontal and 1.00 foot vertical from PLD facilities in the remaining easement.

The Water and Sewerage Department [DWSD] reports both sewer and water main facilities within Fifth. The 8-inches diameter water main is about 20.00 feet west of the easterly line of said Fifth Street utility easement (50 feet wide).

DWSD has no objections to the proposed partial vacation; subject to certain minimum clearance requirements. Provisions protecting DWSD installations are part of the resolution.

All other city departments and privately owned utility companies have reported no objections to the proposed partial vacation a utility easement.

I am recommending adoption of the attached resolution.

Respectfully submitted

SUNDAY JAIYESIMI,

City Engineer

By Council Member Scott:

RESOLVED, All that part of the private easement for public utilities being the northerly 30.00 feet of the southerly 92.50 feet of the easterly 12.50 feet of Fifth Street (50 feet wide, between Henry and Pine Streets; said Fifth Street having been converted into a private easement for public utilities by City Council on February 1, 1984 — J.C.C. pages 170-71); also being an easterly part of said Fifth Street lying westerly of and abutting the west line of the northern 21.50 feet of Lot 6, and the southern 8.50 feet of Lot 7, Block 16, of "Crane and Wesson's Section of the Forsyth Farm between Chicago and Grand River Roads", City of Detroit, Wayne County, Michigan as recorded in Liber 44, Pages 10 and 11, Deeds, Wayne County Records;

Be and the same is hereby vacated (outright) as part of a private easement for public utilities to become part and parcel of the abutting property; subject to the following provisions:

PROVIDED, That before any construction shall be permitted within the vacated (outright) part of the converted utility easement, mentioned above, Difco Laboratories, Inc., shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. All costs for plan review associated with the protection of a water main and/or other construction that may be required by DWSD [designed to prevent damages and maintain minimum clearances from public sewer(s) and water main(s), including but not limited to inspection and permits, shall be paid by Difco Laboratories, Inc. and/or their contractors; and further

PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.