

face grade made, without prior approval of the City Engineering Division — DPW.

Fourth, That if the owners of any lots abutting on said vacated alley 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 further

Provided, That if it becomes necessary to remove the paved return at the entrance (into Wyoming Avenue), 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 heir or assigns; and be it 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 Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 9.

Nays — None.

**Department of Public Works  
City Engineering Division**

February 23, 2004

Honorable City Council:

Re: Petition No. 2259 — Gil Hill and Associates, Inc., (GH & A), for Vacation of alley in the area of Livernois, Gilbert, Morton and Michigan Avenue.

Petition No. 2259 of “Gil Hill and Associates, Inc.”, (GH & A), on behalf of Livernois and Michigan Avenue, L.L.C., (owners of the property) requests to vacate outright the north-south public alley, 20 feet wide, first West of Livernois Avenue, in the block bounded by Gilbert Street, 53 feet wide, Livernois Avenue, 120 feet wide, Morton Street, 50 feet wide and Michigan Avenue, 120 feet wide, in order to facilitate the re-development of the site into a “Autozone”.

The request was approved by Planning and Development Department, the Solid Waste Division — DPW and the Traffic Engineering Division — DPW, The petition was referred to the City Engineering Division — DPW for investigation and report. This is our report.

The Detroit Water and Sewerage Department (DWSD) reports a 10-inch sewer, which only serves the land, owned by the Livernois and Michigan Avenue, L.L.C. The existing 10-inch sewer located in the alley to be vacated, will be abandoned as a City sewer and will be the responsibility of the property owner.

All other city departments and private utility companies have reported no objection to the changes in public rights-of-way or that satisfactory arrangements have been made. Provisions protecting utility installations (if necessary) are part of the resolution.

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

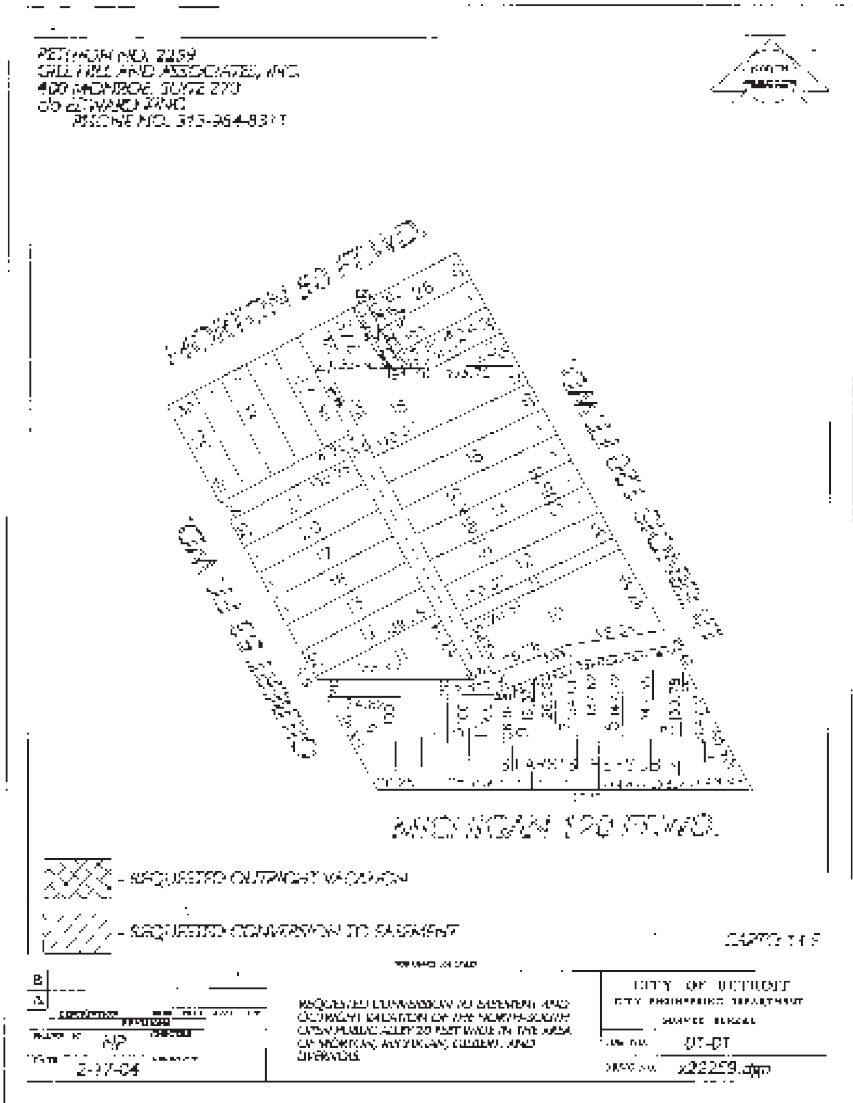
Respectfully submitted,  
SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member Bates:

Resolved, That all of the North-South public alley, 20 feet wide, first west of Livernois, in the block bounded by Gilbert Street, 53 feet wide, Livernois Avenue, 120 feet wide, Morton Street, 50 feet wide and Michigan Avenue, 120 feet wide,



lying Westerly of and abutting the West line of Lots 24, 25, 26 and lying Easterly of and abutting the East line of Lot 27 of the "Plat Wm. B. Wesson's Subdivision of Lot 10 & Wesson & Ingersoll's Subdivision of Lot 8 of Private Claim No. 266", Springwell's (now Detroit), Wayne County, Michigan, T.2S., R.11E., as recorded in Liber 5, Page 47, Plats, Wayne County Records;

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

Provided, That the existing 10-inch sewer located in the alley to be vacated, will be abandoned as a City sewer and will become the responsibility of the property owner, and further

Provided, That satisfactory arrangements have been made with all other

involved city departments and privately owned utility companies; and further

Provided, That before any construction shall be permitted within the vacated parts of public streets and alleys, mentioned above, the petitioner 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; 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 Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and