

ing across Moffat avenue. The vacation is also conditioned with the provision that Sears Roebuck and Company will deed the westerly 27 feet of Moffat avenue, as now established, to the City of Detroit without cost in the event that the Common Council determines that such property is needed in the future for the widening of Van Dyke avenue. Sears Roebuck and Company has also agreed to provide a 15-foot easement for pedestrian travel between Parker and Van Dyke avenues in the approximate location of Moffat avenue as relocated or, in the event of the extension to the south of the Sears Roebuck buildings by further construction, said pedestrian way may be relocated so as to pass to the south of such buildings but not more than 175 feet south of the present southerly limit of Moffat avenue.

The only expense involved in connection with this matter is the cost of removing and relocating the public utilities located in that portion of Moffat avenue to be vacated. We have discussed the matter of this expense with the State Highway Department and it is agreed that by stipulation with Sears Roebuck and Company we will request that the jury include such expense as a part of the award in the condemnation proceeding now pending. We intend to request that the jury make a joint award to the City of Detroit and Sears Roebuck and Company, said sum to be expended and used for the purpose of removing and relocating the utilities now in Moffat avenue.

We would respectfully urge the adoption of the above ordinance as soon as possible so that we may complete this transaction and advise the jury concerning the same.

Very truly yours,

JOHN H. WITHERSPOON,

Asst. Corp. Counsel.

Approved:

RAYMOND J. KELLY,
Corporation Counsel.

By Councilman Bradley:

AN ORDINANCE to provide for the vacation of all of Moffat Avenue 60 feet wide as now established lying between the easterly line of Van Dyke Avenue 66 feet wide and the westerly line of Parker Avenue 60 feet wide and also all that part of north and south public alley 18 feet wide as platted and widened in block between Van Dyke, Parker, Warren and Moffat Avenues, being that part of the public alley lying between the southerly line of Moffat Avenue 60 feet wide as now established and the southerly line of the northerly 25 feet of Lot 84 of Walch's Subdivision of Outlots 12, 13, 14 and 15, Subdivision of the Van Dyke Farm, P. C's 100 and 679

between Gratiot and Mack Avenues, and fixing the terms and condition's thereof.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That all that part of 2 Moffat Avenue 60 feet wide as 3 now established lying between the 4 easterly line of Van Dyke Avenue 5 66 feet wide and the westerly line 6 of Parker Avenue 60 feet wide, be 7 and the same is hereby vacated, be 8 become part and parcel of the ad- 9 joining property, and

10 That all that part of north and 11 south public alley 18 feet wide as 12 platted and widened in block be- 13 tween Van Dyke, Parker, Warren 14 and Moffat Avenues, more partic- 15 ularly described as: being all that 16 part of north and south public 17 alley 18 feet wide lying between 18 the southerly line of Moffat Ave- 19 nue 60 feet wide as now estab- 20 lished and the southerly line of 21 the northerly 25 feet of Lot 84 22 of Walch's Subdivision of Outlots 23 12, 13, 14 and 15, Subdivision of 24 the Van Dyke Farm, P. C's 100 and 25 679 between Gratiot and Mack 26 Avenues, Detroit, Michigan, as re- 27 corded in Liber 21, page 83 of 28 plats of Wayne County Records, 29 extended westerly, be and the 30 same is hereby vacated to become 31 part and parcel of the adjoining 32 property;

33 Provided, That the westerly 27 34 feet of Moffat Avenue 60 feet wide 35 as now established shall not be 36 built upon and shall be reserved 37 to be deeded by Sears Roebuck & 38 Co., a New York corporation, its 39 successors and assigns to the City 40 of Detroit, a municipal corpora- 41 tion, without cost, if at any time 42 in the future the Common Coun- 43 cil of the City of Detroit deter- 44 mines that it is necessary to use 45 the same for the purpose of wid- 46 ening Van Dyke Avenue;

47 Provided further, that said Sears 48 Roebuck and Co. convey to the 49 City of Detroit, a municipal cor- 50 poration, a 15 foot easement for 51 pedestrian travel between Parker 52 and Van Dyke Avenues in the ap- 53 proximate location of Moffat Ave- 54 nue as now located; Provided That 55 in the event of the extension to 56 the south of the buildings now 57 located to the north of Moffat 58 Avenue, by further construction, 59 said pedestrian-way and easement 60 may be relocated so as to pass to 61 the south of such buildings as ex- 62 tended from time to time, and as 63 near as reasonably practicable 64 thereto, but not more than 175 65 feet south of the present souther- 66 ly limit of Moffat Avenue; that 67 said Sears Roebuck and Co., its 68 successors and assigns forever pro- 69 vide and maintain upon said ease-

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70 ment a way suitable for pedes-
71 trian travel subject to the ap-
72 proval of the Commissioner of the
73 Department of Public Works of the
74 City of Detroit;

75 Provided further, That said
76 Sears Roebuck and Co., its suc-
77 cessors and assigns, authorize the
78 City of Detroit and the owners of
79 any other utilities located in the
80 vacated portion of Moffat Avenue
81 or the north and south alley above
82 described, their duly authorized
83 agents and employees to enter
84 upon said vacated street and alley
85 to repair, remove or relocate any
86 utilities existing therein.

Sec. 2. Provided further, That
2 Sears Roebuck and Co., a New
3 York corporation, shall convey to
4 the City of Detroit, a municipal
5 corporation, by good and sufficient
6 warranty deed, the marketable
7 title to the following described
8 property in said City of Detroit,
9 County of Wayne and State of
10 Michigan, to-wit:

11 The Northwesterly part of Lot
12 16, Subdivision of part of the
13 Van Dyke Farm being P. C. 100,
14 North of Mack Street and 679, be-
15 tween Gratiot and Mack Street as
16 recorded in Liber 1, Page 149 of
17 Plats of Wayne County Records
18 and also the Northwesterly part of
19 Lots 1 to 6, both inclusive, of
20 Nicholas Walch's Resubdivision of
21 Lots 92 to 98, both inclusive, also
24 vacated alley in rear of Lots 93 to
25 98 of Walch's Subdivision of Out-
26 lots 12, 13, 14 and 15, Subdivi-
27 sion of the Van Dyke Farm, P. C.
28 100 and 679 between Gratiot and
29 Mack Avenues as recorded in Li-
30 ber 28 Page 12 of Plats of Wayne
31 County Records, described as fol-
32 lows: Beginning at the intersec-
33 tion of the Southeasterly line of
34 Gratiot Avenue, 72 feet wide, with
35 the westerly line of Parker Ave-
36 nue 60 feet wide, said point being
37 the northeasterly corner of Lot 1
38 of last mentioned subdivision;
39 thence along the easterly line of
40 said lot, also being the westerly
41 line of Parker Avenue, 60 feet
42 wide, South 31° 03' 55" East 69.10
43 feet to a point; thence along
44 a line South 86° 05' 15" West 9.13
45 feet to a point; thence along a
46 line South 23° 14' 25" West 224.95
47 feet to a point; thence along a
48 line South 23° 34' 05" West 58.77
49 feet to a point on the easterly
50 line of Van Dyke Avenue 66 feet
51 wide; thence along said line North
52 31° 05' 31" West 58.84 feet to a
53 point on the southeasterly line of
54 Gratiot Avenue, 72 feet wide;
55 thence along said line North 23°
56 34' 05" East 24.67 feet to a point;
57 thence continuing along said line
58 North 23° 14' 25" East 269.22 feet

59 to the place of beginning. And
60 further

61 Provided, That said Sears Roe-
62 buck and Co., a New York corpor-
63 ation, shall convey to the City of
64 Detroit, a municipal corporation,
65 by good and sufficient warranty
66 deed, marketable title to the fol-
67 lowing described property in said
68 City of Detroit, County of Wayne
69 and State of Michigan, to-wit:

70 The Northerly 15 feet of Lot 83
71 and the southerly 5 feet of Lot 84
72 of Walch's Subdivision, heretofore
73 mentioned. And further

74 Provided, That said Sears Roe-
75 buck and Co., a New York Cor-
76 poration, shall convey to the City
77 of Detroit, a municipal corpora-
78 tion, by good and sufficient war-
79 ranty deed, marketable title to the
80 following described property in said
81 City of Detroit, County of Wayne
82 and State of Michigan, to-wit:

83 All that part of Lot 16 of Subdi-
84 vision of part of the Van Dyke
85 Farm, Private Claim 100, North of
86 Mack Street and Private Claim 679,
87 between Gratiot and Mack Streets
88 as recorded in Liber 1, Page 149 of
89 Plats of Wayne County Records,
90 Detroit, Wayne County, Michigan,
91 being the westerly 110 feet of the
92 southerly 20 feet of the northerly
93 371.71 feet of said Lot 16 lying
94 southerly of and adjoining the
95 southerly line of Moffat Avenue 60
96 feet wide as now established and
97 lying easterly of and adjoining the
98 easterly line of Van Dyke Avenue
99 66 feet wide as now established.

Approved as to form:

RAYMOND J. KELLY,
Corporation Counsel.

Read twice by title, ordered printed
and laid on the table.

From the Corporation Counsel

March 9, 1937.

To the Honorable, the Common
Council:

Gentlemen—In accordance with
your request of March 9, 1937, we
are enclosing herewith proposed
amendment to the billiard room
ordinance providing for securing the
signatures of 51 per cent of the
householders residing within 500 feet
of the proposed new location of such
billiard and/or bowling room.

Very truly yours,

RAYMOND J. KELLY,
Corporation Counsel.

By Councilman Van Antwerp:

AN ORDINANCE to amend Section
3 (a) of an ordinance entitled "An
Ordinance to amend an ordinance
entitled 'An Ordinance to regulate
the keeping of public places for the