

Provided that this resolution is revocable at the will, whim or caprice of the Common Council, and also the permit issued by virtue hereof, and the grantee hereby expressly waives any right to claim damages or compensation from the City of Detroit for property constructed hereunder or for the removal of same, and further, that grantee acquires no implied or other privileges hereunder not expressly stated herein.

Adopted as follows:

Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Vernon, Watson and the President Pro Tem—8.

Nays—None.

#### Spur Tracks.

To the Honorable the Common Council:

Gentlemen—To your Committee of the Whole was referred the application of The Oil Storage Corporation (421), to maintain a spur-track across Farr avenue between Foster and railroad right-of-way, connecting with M. C. Belt Line Extension. After consultation with the Department of Public Works, your Committee recommends that same be approved, and offer the following resolution.

Respectfully submitted,

R. M. WATSON,

Chairman.

By Councilman Watson:

Resolved, That subject to the provisions and requirements of Chapters 213 and 214 of the Compiled Ordinances of the City of Detroit of 1920 as amended, and subject to the provisions of this resolution, the Commissioner of Public Works is hereby authorized and directed to issue a permit to The Oil Storage Corporation (421), to connect the private property owned by them with the M. C. Belt Line Extension, crossing Farr avenue, in the manner indicated by blue-print accompanying said application for permit;

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by the City of Detroit by the granting of this permission, which is granted and accepted expressly upon the condition that said spurtrack or side track and any and all obstructions in connection therewith shall be removed at any time when so directed by the Common Council, and further

Provided, That this grant or permit is given under the express condition that the grantee herein shall, within fifteen days, file with the City Clerk an agreement that all planking, paving or replacing of paving and sidewalks between the rails and eighteen (18) inches out-

side thereof or farther if necessary to cover the approaches, is to be done by or under the direction of the Commissioner of Public Works when the grantee has deposited a sufficient sum to cover the cost of same and of installing the necessary drainage, and at all times during the life of this grant, pay the expense of repairing or repaving the roadway and sidewalk between the rails of said side track or spur-track and for a distance of eighteen inches or farther outside of same, if necessary, whenever such repairs or repaving are directed by said Commissioner of Public Works, which agreement shall be further conditioned that the said grantee shall indemnify and save harmless the City of Detroit from any and all damages growing out of the defective condition of so much of said roadway as it is obligated hereunder to maintain, and that the failure of the Commissioner of Public Works to give to said grantee notice of such defective condition shall in no event operate to defeat the right of the City of Detroit to be indemnified and saved harmless from any and all such damages or expense and which agreement shall contain a stipulation that the privilege hereby granted shall be automatically terminated by any change of grade which may effect the relative physical situation obtaining at the date hereof; the City Clerk shall not accept this agreement unless it is accompanied by or has in it incorporated a good and sufficient bond in the sum of \$5,000.00, guaranteeing to the City of Detroit the performance by the grantee herein of the conditions herein imposed and shall also contain a waiver of all grade separation damages that may be suffered by said grantee in connection with said side track or spur track herein granted and a waiver of such other or further grade separation damages as the Common Council may require.

Adopted as follows:

Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Vernon, Watson and the President Pro Tem—8.

Nays—None.

#### Monday, March 5.

Chairman Castator submitted the following reports of Committee of the Whole for above date and recommended their adoption:

#### Vacation of Longfellow Ave.

To the Honorable the Common Council:

Gentlemen—To your Committee of the Whole was referred the petition of Roman Catholic Diocese of Detroit et al (5370), for the vacation



of Longfellow avenue between Linwood and Lawton avenues, the public alley 18 feet wide, west of Linwood avenue, extending from the alley north of Longfellow to alley south of Longfellow avenue and the public alley 9 feet wide, first south of and parallel to Longfellow avenue. Your committee finds that petitioner is the owner of all the property abutting on the streets and alleys requested to be vacated, except lots 3, 4, 5 and 6, owned by Detroit Edison Co., and situated on the northwest corner of Longfellow and Linwood avenues, and that said Detroit Edison Co. have joined in requesting the above vacations. In consideration of the closing of said street and alleys, petitioner has offered to deed to the city land for the east half of Lawton avenue from Joy Road to alley south of Longfellow avenue. Your committee has had the matter under consideration and recommends that petition be granted, and offer the following resolution.

Respectfully submitted,

FRED W. CASTATOR,  
Chairman.

By Councilman Castator:

Resolved, That "All that part of Longfellow avenue, 60 feet wide, lying between the east line of Lawton avenue and the west line of Linwood avenue, as proposed to be widened;" also "the public alley 9 feet wide, first south of and parallel to Longfellow avenue, lying between the west line of Lawton avenue and the west line of the alley, extended, first west of Linwood avenue;" and "all that part of the public alley, 18 feet wide, first west of and parallel to Linwood avenue lying between the south line of the alley first south of Longfellow avenue and the south line of the alley first north of Longfellow avenue and adjoining lots 1 to 25, both inclusive, of Reichenbach's West Longfellow sub. of the south 5 acres of the north 10 acres of southeast  $\frac{1}{4}$  of  $\frac{1}{4}$  section 33, 10,000 acre tract, as recorded in Liber 34, page 7, of Plats of Wayne County Records, and adjoining lots 1 to 22, both inclusive, of Morrison's Longfellow sub. of the southerly 5 acres of the northerly 15 acres of the southeast  $\frac{1}{4}$  of  $\frac{1}{4}$  section 33, 10,000 acre tract, as recorded in Liber 35, page 11, of Plats of Wayne County Records," be and the same are hereby vacated;

Provided, The Roman Catholic Diocese of Detroit dedicates to the City of Detroit "The easterly half of Lawton avenue lying between Joy Road and the alley first south of Longfellow avenue, and described as follows: All that part of the southeast  $\frac{1}{4}$  of  $\frac{1}{4}$  section 33, 10,000 acre tract, T. 1, S. R. 11 E., be-

ginning at a point on the south line of said  $\frac{1}{4}$  section 33, distant 508.04 feet north 63 deg. 41 min. east from the easterly line of Montclair Heights sub. of east half of southwest  $\frac{1}{4}$  of  $\frac{1}{4}$  section 33, 10,000 acre tract, as recorded in Liber 30, page 89, of Plats of Wayne County Records, extended south 25 deg. 32 min. east to the south line of said  $\frac{1}{4}$  section 33; thence along a line north 25 deg. 59 min. west 831.41 feet to a point on the south line of Morrison's Longfellow sub. of the southerly 5 acres of the northerly 15 acres of the southeast  $\frac{1}{4}$  of  $\frac{1}{4}$  section 33, 10,000 acre tract, as recorded in Liber 35, page 11, of Plats of Wayne County Records; thence along said line north 63 deg. 59 min. east 30 feet to a point on the east line of Lawton avenue as platted in said Morrison's Longfellow sub.; thence along said line south 25 deg. 59 min. east 831.25 feet to a point on the south line of said  $\frac{1}{4}$  section; thence along said line south 63 deg. 41 min. west 30 feet to the place of beginning."

Adopted as follows:

Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Vernor, Watson and the President Pro Tem.—8.

Nays—None.

**Vacation Six Mile Road.**

To the Honorable the Common Council:

Gentlemen—To your Committee of the Whole was referred the petition of Frank Czegus (5264), for the vacation of a strip of land adjoining Lot 560, Sunnyside sub., situated on east side of Mitchell avenue, and being part of Lots 561 and 562. Your committee finds that said strip of land was condemned by the city in the opening of Six Mile Road, and not being required for street purposes, we recommend that the same be granted upon payment of the sum of \$253.28, being the cost to the city of land vacated, within 90 days.

Respectfully submitted,

FRED W. CASTATOR,  
Chairman.

By Councilman Castator:

Resolved, That "All that part of Six-Mile Road as opened, described as follows: Beginning at the intersection of the south line of Six-Mile Road and the east line of Mitchell avenue; thence along the said line of Mitchell avenue south 26 degrees 22 minutes east 32.25 ft. to a point; thence along a line north 63 degrees 38 minutes east 65.93 ft. to a point on the south line of Six Mile Road, as opened; thence along said line west 73.58 feet to the place of beginning," be and the same is hereby vacated;