

E. F. Houghton & Co. (467), to maintain a spurtrack across Lumpkin street, south of and connecting with the Detroit Terminal R. R.

Lowrie & Robinson Lumber Co. (468), to maintain a spurtrack across Dexter Blvd., south of and connecting with the Detroit Terminal R. R., in accordance with blueprints filed with applications.

Provided, That no right 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 these grants or permits are given under the express condition that the grantees 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 outside 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 these grants, pay the expense of repairing or repaving the roadway and sidewalk between the rails of said side-track of spur-tracks 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 grantees 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 roadways as it is obligated hereunder to maintain, and that the failure of the Commissioner of Public Works to give to said grantees 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 agreements shall contain a stipulation that the privilege hereby granted shall be automatically terminated by any change of grade which may affect 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 grantees herein of the conditions herein imposed and shall also contain a waiver of all grade separation damages that may

be suffered by said grantees in connection with said side-tracks or spur-tracks 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, Broderick, Castator, Dingeman, Murphy, Nagel, Stevenson and the President Pro Tem—8.

Nays—None.

Vacation of Alley.

To the Honorable the Common Council:

Gentlemen—To your Committee of the Whole was referred the petition of Albert E. Badger (2614), for the vacation of portion of "T" alley adjoining lots 133 to 144 inclusive of Ford Land subdivision in block bounded by Burt, Nancy, Lamont and Detroit Terminal R. R., petitioner to dedicate the south 20 ft. of lot 133 for a new alley. After consultation with the City Engineer, your committee recommends that petition be granted, and offers the following resolution.

Respectfully submitted,

ARTHUR E. DINGEMAN,

Chairman.

By Councilman Dingeman:

Resolved, That "all that part of the public alley, 16 ft. wide, first east of and parallel to Burt avenue, and adjoining the north 10 ft. of lot 133 and lot 144, lots 134 to 143 both incl., of Ford Land subdivision of part of the S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Section 8, T. 1 S. R. 12 E, as recorded in Liber 34, page 23, of plats of Wayne County Records, and all that part of the public alley, 16 ft. wide, lying north of and adjoining lots 138 and 139 of above mentioned subdivision" and lying between the east line of Burt Ave. and the west line of Lamont Ave., be and the same is hereby vacated to become a part and parcel of the adjoining property.

Provided, Petitioner waives grade separation damages affecting the north 10 ft. of lot 133 and lots 134 to 144 both inclusive, of above mentioned subdivision and the vacated alleys herein described, and further

Provided, The petitioner dedicates to the City of Detroit the south 20 ft. of lot 133 of above mentioned subdivision for alley purposes, and further

Provided, That if at any time in the future the alley described as the "South 20 ft. of lot 133 of above mentioned subdivision" shall be ordered graded and paved the expense of such grading and paving shall be borne entirely by the said petitioner, and further

Resolved, That the City Controller be and is hereby authorized and directed to execute a quit-claim deed covering the alleys herein vacated.