

ing 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 or 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 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 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 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 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 Callahan, Castator, Dingeman, Ewald, Littlefield, Nagel, Stevenson and the President—8.

Nays—None.

Vacation of Alley

To the Honorable Common Council:
Gentlemen—To your Committee of the Whole was referred petitions of the Sinclair Refining Co. (2497), and Jas. Hamilton (3228), for the vacation of alley in the block bounded by Goldsmith and Waterman Aves. and the Michigan Central R. R. Your committee finds that petitioners own all of the property abutting

on this alley, and that no other property is affected. After consultation with the City Plan Commission and City Engineer, your committee recommends that the request be granted, and offers the following resolution.

Respectfully submitted,
ARTHUR E. DINGEMAN,
Chairman.

By Councilman Dingeman:

Resolved, That "all of the public alley, 18 ft. in width adjoining the westerly line of lots 1, 2, 3 and 4 of Thomas Bros. Subdivision of the southerly 165 ft. of lot 34 of Scotten and Lovett's Subdivision of parts of P. Cs. 267, 268 and 270 lying between Fort St. and D. M. & T. R. R. west of Waterman Ave., as recorded in Liber 26, page 86 of Plats of Wayne County Records," also "all of the public alley, 18 ft. in width, adjoining the northerly line of lots 5 to 10, both inclusive, of last mentioned subdivision," also "the easterly 9 ft. of public alley, 18 ft. in width, adjoining the westerly line of lot 10 of last mentioned subdivision, said alley extending to the southerly line of lot 34 of Scotten and Lovett's Subdivision of all those parts of P. Cs. 267, 268 and 270 lying between Fort St. and the D. M. and T. R. R. west of Waterman Ave., as recorded in Liber 1, page 197, of Plats of Wayne County Records,"

Also "the westerly 9 ft. of public alley, 18 ft. in width, adjoining the easterly line of lot 11 of Thomas Bros. subdivision, heretofore mentioned," be and the same are hereby vacated to become a part and parcel of the adjoining property,

Provided, That by reason of the vacation of the above described alley the City of Detroit does not waive any rights in the lateral sewers located therein, and shall at all times have the right to enter upon the premises if found necessary on account of said sewer to repair same, and provided further that petitioner shall not build over the above described alley without first securing the approval of the City Engineer and the Board of Health, also,

Provided, Petitioner bears the entire expense of relocating or re-routing any public utilities which it may be necessary to remove because of the vacation of the above described alley, and further

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

Adopted as follows:

Yeas—Councilmen Callahan, Castator, Dingeman, Ewald, Littlefield, Nagel, Stevenson and the President—8.

Nays—None.