

By Councilman Kronk:

Resolved, That "all of the public alley, 17.08 ft. wide, adjoining the easterly line of lots 15 to 21, both inclusive, of Wm. Y. Hamlin & Thos. N. Fordyce's Sub. of lot 7 of Leavitt's Sub. of the eastern part of Frac. Sec. 36, T. 1 S. R. 11 E., and eastern part of Frac. Sec. 1, T. 2 S. R. 11 E., as recorded in Liber 11, page 29, of Plats of Wayne County Records," also "all of public alley, 17.08 ft. wide, adjoining the easterly line of lot 122 of Corliss & Andrus' Boulevard Park Sub. of part of Frac. Sec. 1, T. 2 S. R. 11 E. and Frac. Sec. 36, T. 1 S. R. 11 E. as recorded in Liber 23, page 57 of Plats of Wayne County Records," be and the same is hereby vacated to become a part and parcel of the adjoining property.

Provided, Petitioner deeds to the City of Detroit for alley purposes "all that part of lot 123 of last mentioned subdivision described as follows: beginning at the southwesterly corner of said lot 123; thence along the southerly line of said lot on a course N. 63 deg. 41 min. E. 114 ft. to the southeasterly corner of said lot; thence along the easterly line of said lot N. 26 deg. 52 min. W. 31 ft. to a point; thence along a line S. 18 deg. 24 min. 30 sec. W. 15.48 ft. to a point; thence along a line S. 63 deg. 41 min. W. 103 ft. to a point on the westerly line of said lot 123; thence along said line S. 26 deg. 52 min. E. 20 ft. to the place of beginning."

Provided, That if at any time in the future the alley herein dedicated to the City of Detroit is ordered graded and paved, the entire expense of such grading and paving shall be borne by petitioner, and further

Provided, Petitioners reimburse the owners to the extent of the value of their utilities now installed in said alley which it may be necessary to abandon, due to the closing of same, or bears the entire expense of relocating or rerouting any public utilities now installed in said alley which it may be necessary to relocate or reroute due to the closing of same, and further

Provided, Petitioners agree to pay into the City Treasury whatever expense may have been incurred by the City in the matter of paving, curbing, crosswalks, sidewalks, etc., within the lines of alley herein vacated as may be certified by the City Engineer, and further

Provided, That by reason of the vacation of the above described alley the City of Detroit does not waive any rights in the lateral sewer located in alley aforesaid 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 petitioners shall not build over the above described alley without first securing the approval of the City Engineer and the Board of Health, 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 Bradley, Callahan, Castator, Dingeman, Ewald, Kronk, Littlefield, Walters and the President—9.

Nays—None.

#### Vacation of Alley

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of J. I. Mason, et al. (1769), for the vacation of a portion of the alley in the block north of Linden Avenue, between Roosevelt Avenue and Twenty-fifth Street. After consultation with the City Plan Commission, and careful consideration of the matter, and in view of the following opinion from the Corporation Counsel, your committee recommends that the petition be granted in accordance with the accompanying resolution.

#### Corporation Counsel

May 28, 1928.

To the Honorable, the Common Council:

Gentlemen—In re: the petition of J. I. Mason, et al., No. 1769. This is a petition asking for the vacation of a portion of the alley in the block north of Linden Avenue, between Roosevelt Avenue and 25th Street.

The petitioners have not secured the consent of all of the property owners abutting this alley and you ask an opinion as to the closing of said alley.

It appears that the alley in question is a so-called blind alley, being closed by a wall on 25th Street and open on Linden Avenue. The objecting party is owner of Lot No. 426, said lot being on the corner of Linden Avenue and 25th Street. The closing of this alley, so far as we have been able to determine, will not interfere with the ingress or egress of the owner of said Lot No. 426. So far as he is concerned the situation will remain unchanged. It was held in the case of Phelps v. Stott Realty Company, 233 Mich. 486:

"It is a well settled rule that a lot owner's right to object to the vacation of a part of the street depends upon whether his lot abuts upon or comes in actual contact with the vacated portion, or access to his lot is entirely or materially cut off by reason of the vacation. \* \* \*



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The lot of the objector does not abut on that part of the alley to be vacated nor is access to his lot cut off in any way by reason of the vacation. We are therefore of the opinion that the Common Council may close this alley, disregarding the objection of the owner of lot 426.

Very truly yours,

JAMES R. WALSH,

Assistant Corporation Counsel.

Approved:

CLARENCE E. WILCOX,  
Corporation Counsel.

Respectfully submitted,

JOHN A. KRONK,  
Chairman.

By Councilman Kronk:

Resolved, That "all that part of public alley, 20 ft. wide, adjoining the northwesterly line of lots 427 and 428 and adjoining the westerly line of lot 427 of J. W. Johnston's Sub. of the Porter and Campau Farms, being that part of the E. ½ of P. C. 78 lying north of Chicago avenue and all that part of P. C. 21 and W. 7-12 of P. C. 20 lying north of Chicago Road and south of the rear 40 acres sold to Mark Flanigan as recorded in Liber 1, pages 32 and 33 of Plats of Wayne County Records, said portion of alley lying between the northerly line extended westerly of the southerly 5 ft. of lot 427 of last mentioned subdivision and the westerly line of 25th street, 50 ft. wide," be and the same is hereby vacated to become a part and parcel of the adjoining property.

Provided, Petitioners bear the expense of paving the remainder of the alley not vacated herein, and further

Provided, Petitioners reimburse the owners to the extent of the value of their utilities now installed in said alley which it may be necessary to abandon, due to the closing of same, or bears the entire expense of relocating or rerouting any public utilities now installed in said alley which it may be necessary to relocate or reroute due to the closing of same, and further

Provided, That by reason of the vacation of the above described alley the City of Detroit does not waive any rights in the lateral sewer located in alley aforesaid 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 petitioners shall not build over the above described alley without first securing the approval of the City Engineer and the Board of Health, 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 Bradley, Callahan, Castator, Dingeman, Ewald, Kronk, Littlefield, Walters and the President—9.

Nays—None.

#### MONDAY, JUNE 4

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

#### Areaways

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petitions of Hugo Scherer Estate, Inc. (2561), and Silverman & Mather (2571), to construct areaways on public property. After consultation with the Department of Public Works, and consideration of the requests, your committee recommends that same be granted, and offers the following resolution.

Respectfully submitted,

SHERMAN LITTLEFIELD,  
Chairman.

By Councilman Littlefield:

Resolved, That the Department of Public Works be and is hereby authorized and directed to issue permits to the following named firms to construct areaways on public property at the locations mentioned:

Hugo Scherer Estate, Inc., areaway 3 ft. 8 in. wide, extending 4 ft. 8 in. over the lot line, and one coal chute, 3 ft. 10 in. wide, extending 3 ft. 1 in. over the lot line on the north side of Marston Court east of Woodward ave.

Silverman & Mather, areaway for elevator hoist, 6 ft. long by 5 ft. wide, 4 ft. 8 in. back from present curb on the east side of 18th street between Pine and Perry streets.

Provided, That said work shall be performed under the supervision of the Department of Public Works and in accordance with plans submitted to and approved by said Department.

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said areaways and all obstructions in connection therewith shall be removed at the expense of the grantee at any time when so directed by the Common Council and that the public property affected shall be restored to a condition satisfactory to said Department by said grantee at its expense; and further

Provided, That said permit issued by the Department of Public Works is granted with the distinct understanding that in the event of the Charter of the City of Detroit being amended in such manner as will provide for