

2 tence, paragraph or part of this
3 ordinance shall for any reason
4 be adjudged or decreed to be in-
5 valid by any court of competent
6 jurisdiction, such judgment or
7 decree shall not affect, impair or
8 invalidate the remainder of this
9 ordinance, but shall be confined
10 in its operation to the clause,
11 sentence, paragraph or part here-
12 of directly involved in the con-
13 troversy in which said judgment
14 or decree shall have been ren-
15 dered.

Sec. 12. This ordinance is
2 hereby declared to be immedi-
3 ately necessary for the preserva-
4 tion of the public peace, health
5 and safety and shall be given
6 immediate effect.

Approved:

RAYMOND J. KELLY,
Corporation Counsel.

NATHANIEL H. GOLDSTICK,
Asst. Corporation Counsel.

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

From the Corporation Counsel

April 2, 1935.

To the Honorable, the Common
Council:

Gentlemen—A petition was filed by
Miller-Seldon Electric Company, rep-
resenting that it is the owner of
property in the City of Detroit, de-
scribed as Lot 60, 61 and 62 (and
vacated alley between said lots) of
Sibley Place Subdivision of that part
of the Thompson Farm north of the
Grand Trunk Railroad and west of
Twelfth Street, as recorded in Liber
11 of Plats, page 66, Wayne County
Records, and that it is also the owner
of the westerly 39.20 feet of Lots 55,
56 and 57 and the westerly 39.20
feet of the southerly 22 feet of Lot
54 of Corliss and Andrus Boulevard
Park Sub. of part of fractional sec-
tion 1, town. 2 south, range 11 east,
and fractional section 36, town. 1
south, range 11 east, as recorded in
Liber 23 of Plats, page 57, Wayne
County Records, both of which par-
cels adjoin the easterly line of alley
lying first easterly of Vermont Ave.
and north of McGraw ave., Detroit,
Michigan. Said two parcels of land
are separated by a 20-foot public
alley adjoining the southerly line of
the west 39.20 feet of Lot 57 of Cor-
liss and Andrus Boulevard Park Sub.

Said Miller-Seldon Electric Com-
pany is also the owner of a perpetual
right and easement in, over and upon
a certain strip of land described as
follows: Commencing at a point on
the southerly line of Lot 57 distant
39.20 feet from the easterly line of
a certain public alley in the rear of
said Lot 57 and proceeding in an
easterly direction 10 ft. along the said

southerly line of said Lot 57; thence
in a northerly direction 126 feet to a
point on the northerly line of Lot 54;
thence westerly along the northerly
line of said Lot 54 a distance of 49.20
feet to the easterly line of said pub-
lic alley; thence southerly 10 feet
along the easterly line of said pub-
lic alley; thence easterly 39.20 feet;
thence southerly 118 feet to the place
of beginning, as shown in deed from
Steve A. Nagy and wife to James G.
Spaulding, recorded in Liber 1399 of
Deeds, page 324, Wayne County
Records.

The petitioner requests that your
Honorable Body vacate the said 20-
foot alley first above described, and
in consideration thereof the said
petitioner will convey said easement,
10 feet in width, lying along the
north and east sides of said parcel
of land first hereinbefore described to
the City of Detroit, and will further
convey to the City of Detroit the
easterly 5 feet of the westerly 39.20
feet of Lots 55, 56 and 57 of the
southerly 22 feet of Lot 54 of Cor-
liss and Andrus Boulevard Park Sub.
and also the easterly 10 feet of the
southerly 22 feet of the westerly
39.20 feet of Lot 54 of Corliss and
Andrus Boulevard Park Sub. herein-
before mentioned, which said land,
together with the alley lying east of
Lots 60, 61 and 62 of Sibley Place
Sub. will form a continuous alley of
15 feet in width from McGraw ave.
north along the two parcels herein-
before described as belonging to said
petitioner and a 20-foot alley upon
the rear of said parcels to the alley
lying first east of Vermont Ave. and
north of McGraw Ave. hereinbefore
referred to.

In further consideration of said
closing and creation of new alley,
petitioner will pave said alley, or
cause the same to be paved, at its
own expense, in accordance with the
specifications imposed by the City of
Detroit.

This petition was originally re-
ferred to the City Plan Commission,
and the original of said petition is
still on file with said Plan Com-
mission. A copy of said petition is
attached hereto.

The City Plan Commission raised a
question respecting the deeding by
the petitioner of property to which
it had only a perpetual easement;
also, there was a hearing conducted
by the City Plan Commission and
other property owners in interest in
the block referred to were given an
opportunity to be heard. This De-
partment has carefully gone into the
petitioner's request and we have had
several conferences with representa-
tives of the City Plan Commission.

We are of the opinion that peti-
tioner's request can be legally granted
and we, therefore, recommend that

Your Honorable Body adopt the enclosed resolution.

Respectfully submitted,

JAMES H. LEE,
Assistant Corporation Counsel.

Approved:

RAYMOND J. KELLY,
Corporation Counsel.

By Councilman Engel:

Whereas, the Miller-Seldon Electric Company did file a petition with the Common Council of the City of Detroit representing that it is the owner of certain property in the block bounded by McGraw, Vermont, Marquette and Twelfth Streets in the City of Detroit; and,

Whereas, It appears that its property is situated in said block on the north side of McGraw Avenue and is bounded on the west, east and north by three public alleys; and,

Whereas, Petitioner is also the owner of the property immediately north of and adjacent to the 20 foot alley on the north side of its main property; and,

Whereas, Petitioner desires to close said alley and in exchange therefor to convey to the City of Detroit, by Warranty deed, certain properties which it owns and as described in said petition, to the end that a new public alley may be created in lieu of the public alley to be closed; and,

Whereas, Said petition has received the approval of the City Plan Commission and the Corporation Counsel. Therefore be it

Resolved, That the prayer of said petition be granted, that said Miller-Seldon Electric Company proceed to deed, open and pave the new public alley referred to and that upon the completion thereof, to the satisfaction of the Department of Public Works, that said 20 foot alley be vacated and said petitioner be permitted to close the 20 foot alley north of its main property, above referred to.

Approved:

RAYMOND J. KELLY
Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Bradley, Castator, Dingeman, Engel, Jeffries, Lindsay, Lodge, and the President—8.

Nays—None.

From the Department of Public Works

To the Honorable, the Common Council:

Gentlemen—Under date of March 6, 1928, J. C. C. Page No. 512, permission was granted to the Seminole Supply Company to maintain a spur track across Shirley Street at Buena Vista Avenue and connecting Penn. R. R.

Since the granting of the permit, the above named concern has gone out of business and the property and track is being occupied and used by the Strathmoor Coal Company who lease from Mr. Julius Porath, the owner of the property.

We have repeatedly requested the Strathmoor Coal Company and Mr. Porath to file a new application, bond waiver and agreement for this track as required by law, but to date no attention has been paid to our requests. We therefore ask the Common Council to rescind the above mentioned resolution and further request that the Department of Public Works be authorized and directed to remove spur track in question from the street.

Respectfully submitted,

L. G. LENHARDT,
Commissioner.

By Councilman Lindsay:

Resolved, That that portion of resolution adopted March 6, 1928, J. C. C. Page No. 511-12 authorizing the Department of Public Works to issue permit to Siminole Supply Company to maintain spur track across Shirley Street, be and the same is hereby rescinded, and be it further resolved, that the Department of Public Works be and is hereby authorized and directed to remove said track from the street.

Adopted as follows:

Yeas—Councilmen Bradley, Castator, Dingeman, Engel, Jeffries, Lindsay, Lodge, and the President—8.

Nays—None.

From Department of Buildings and Safety Engineering

March 27, 1935

To the Honorable, the Common Council:

Gentlemen—Re: 3740 Third Avenue, Lot No. 4, Block 92, P. C. 55 Cass Farm, Two one story frame dwellings and one one story frame store.

The buildings at the above location have been empty and deserted for a considerable period and have become in a dangerous and dilapidated condition on account of deterioration and vandalism.

The owners of record have been notified but have failed and neglected to place the premises in a safe condition by repairing or removing these structures.

Under these circumstances, I would respectfully recommend that the Department of Public Works be authorized to remove these buildings as public nuisances.

Respectfully yours,

JOS. P. WOLFF,
Commissioner

412 CITY HALL