

to vacate a portion of Dwyer St. lying between the southerly line of Peter Smith Ave. and public alley first south thereof. After consultation with the City Plan Commission, and careful consideration of the request, your Committee recommends that same be denied.

Respectfully submitted,  
ROBT. G. EWALD,  
Chairman.

Accepted and adopted.

#### Spur Tracks

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole were referred petitions of Henry Wineman, Jr. (4457), for permit to maintain spur track across Westfield Ave., between Burnette and Prairie Aves., and B. C. Schram, Receiver, First National Bank-Detroit (4458), to maintain spur track across Harper Ave. After consultation with the Department of Public Works, and careful consideration of the requests, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,  
ROBT G. EWALD,  
Chairman.

By Councilman Ewald:

Resolved, that the Department of Public Works be and it is hereby authorized and directed to issue permits to the following persons or firms for the maintenance of spur tracks at the location mentioned, as per blueprints submitted:

Henry Wineman, Jr.—across Westfield Ave., between Burnette and Prairie Aves, connecting with and to be maintained on the south side of the P. M. R. R. Co. switching lead at a point 73 feet west of the northerly line of Westfield Avenue.

B. C. Schram, Receiver, First National Bank, Detroit—spur track (formerly in name of Ben Babcock) across Harper Avenue, connected with and to be maintained on the west side of the Grand Trunk Railroad.

Provided, that said spur tracks are maintained in accordance with the terms and provisions of the Compiled Ordinances of the City of Detroit for the year 1936, as amended, and under the supervision and inspection of the Department of Public Works, and further

Provided, that this resolution is revocable at the will, whim or caprice of the Common Council, and grantees hereby expressly waive any right to claim damages or compensation for property constructed and-or maintained hereunder or for the removal of same, and further, that grantees acquire no implied or other privileges hereunder not expressly stated herein.

Adopted as follows:

Yeas—Councilmen Breitmeyer, Dingeman, Ewald, Kronk, Lodge, Smith, Sweeny, and the President—8.  
Nays—None.

#### Tax Foreclosures

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of the Unitor Corporation (4509), requesting dismissal of tax lien suit against the Bay State Realty Corporation in order that petitioner may secure sufficient finances to get into production. After consultation with the Corporation Counsel and City Treasurer, hearing with petitioner, and careful consideration of the matter, your committee recommends that petition be granted, and offers the following resolution.

Respectfully submitted,  
ROBT. G. EWALD,  
Chairman.

By Councilman Ewald:

Whereas, the Corporation Counsel, as directed by this body, has prepared a foreclosure suit in the case known as the City of Detroit vs. Bay State Realty Corporation and Unitor Corporation, No. 283,950, Wayne County Chancery, and

Whereas, It appears by the petition of the defendant, Unitor Corporation, that the said corporation is at the present time attempting to secure sufficient finances to pay taxes and to enter into production, and

Whereas, It appears from said petition that the pendency of said foreclosure suit is impeding the securing of adequate financing by the Corporation, and

Whereas, Said corporation advises that they expect to secure sufficient finances within the next ninety days and that the taxes due and owing upon the property involved will be paid in full out of the first monies received, now therefore be it

Resolved, That the Corporation Counsel be and he hereby s directed to dismiss said suit upon payment to the Corporation Counsel's office of the expense involved in starting the same, and be it further

Resolved, That the Corporation Counsel is hereby directed to delay the starting of a new foreclosure suit in this matter for a period of ninety days from date hereof.

Adopted as follows:

Yeas—Councilmen Breitmeyer, Dingeman, Ewald, Kronk, Lodge, Smith, Sweeny, and the President—8.  
Nays—None.

#### Vacation of Derby Ave.

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of



Wm. O'Flaherty et al (2007), requesting the vacation of the portion of Derby ave. lying southerly of Lantz ave. and adjacent to the Grand Trunk Western Railroad right-of-way. After consultation with the City Plan Commission, and careful consideration of the matter, your committee recommends that the petition be granted in accordance with the following resolution.

Respectfully submitted,

ROBT. G. EWALD,  
Chairman.

By Councilman Ewald:

Resolved, that all that part of Derby avenue, 60 feet wide, lying between Grand Trunk Western Railroad and Lantz avenue more particularly described as beginning at a point in the westerly line of Derby avenue, 60 feet wide as now established, said point also being the southeasterly corner of Lot 85 of Premier Subdivision, being lots 710 and 711 of State Fair Subdivision of part of the S.  $\frac{1}{2}$  of Sec. 2, T. 1 S., R. 11 E., Greenfield Twp., Wayne Co., Michigan as recorded in Liber 35, Page 72 of Plats of Wayne County Records; Thence South 01 Degrees 32 Minutes 00 Seconds East along the westerly line of Derby avenue extended 33.48 feet to a point; thence along a line South 62 Degrees 16 Minutes 00 Seconds West 52.61 feet to a point in the northeasterly line of Grand Trunk Western Railroad r.-w. as now established; thence North 31 Degrees 33 Minutes 00 Seconds West 30.065 feet along said northeasterly line of said railroad r.-w. to a point, said point being the southwest corner of Lot 85 heretofore mentioned; thence North 62 Degrees 16 Minutes 00 Seconds East 69.37 feet along the southerly line of said Lot 85 to the place of beginning. Be and the same is hereby vacated to become a part and parcel of said Lot 85.

Also that part of Derby avenue more particularly described as Beginning at a point in the easterly line of Derby avenue, 60 feet wide, as now established, said point also being the northwesterly corner of Lot 110 of Premier Subdivision, being Lots 710 and 711 of State Fair Subdivision of part of the S.  $\frac{1}{2}$  of Sec. 2, T. 1 S., R. 11 E., Greenfield Twp., Wayne Co., Michigan as recorded in Liber 35, Page 72 of Plats of Wayne County Records; Thence along the northwesterly line of Lots 110 and 111 of last mentioned Subdivision South 62 Degrees 16 Minutes 00 Seconds West 102.72 feet to a point in the northeasterly line of Grand Trunk Western Railroad r.-w. as now established; Thence North 31 Degrees 33 Minutes 00 Seconds West 30.065 feet along said northeasterly line of said Rail-

road r.-w. to a point; Thence North 62 Degrees 16 Minutes 00 Seconds East 52.61 feet to a point in the westerly line of Derby avenue, 60 feet wide, as now established extended southerly; thence South 01 Degrees 32 Minutes 00 Seconds East 3.50 feet along said westerly line of Derby avenue extended, to a point; thence along the northerly line of Lot 110 heretofore mentioned extended westerly North 88 Degrees 53 Minutes East 60 feet to the place of beginning. Be and the same is hereby vacated to become a part and parcel of said Lots 110 and 111.

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

Provided, owners in fee file with the City Clerk within thirty days an agreement in writing waiving any and all claims for damages which may arise due to the separation of grades affecting all of the property abutting the portion of Derby avenue to be vacated, as well as the vacated street herein described, and further

Resolved, that upon compliance with the provisions of this resolution the City Controller be and is hereby directed to issue Quit Claim Deeds to William Parsons and Louise Parsons, his wife; Godfrey Hauptert and Elizabeth Hauptert, his wife and Maurice Hauptert, as owners in fee of adjoining property.

Adopted as follows:

Yeas—Councilmen Breitmeyer, Dingeman, Ewald, Kronk, Lodge, Smith, Sweeny, and the President—8.

Nays—None.

#### Vacation of Alley

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Barkley-Grow Aircraft Corporation (7394-1937), for the vacation of a portion of the alley in the block bounded by French Road, Carlbert and Nuernberg aves., and the city airport. After consultation with the City Plan Commission and Corporation Counsel, and careful consideration of the matter, your committee recommends that the petition be granted in accordance with the following resolution.

Respectfully submitted,

ROBT. G. EWALD,  
Chairman.