

September 26

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 service drives 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 the levying of a fee, charge or rental, to be hereafter determined upon, or in the event of an ordinance or resolution being enacted providing for an annual charge or rental for the occupancy of public streets, alleys or other public places, that the grantee will pay said fee, charge or rental provided for in said Charter, or ordinance or resolution, and that said grantee does hereby bind himself thereunto and to accept said permit on the conditions hereby imposed, and in the event of the said grantee contesting the validity of said charter amendment, ordinance or resolution or of said fee, charge or rental, or upon refusal to pay same, this permit shall immediately become void; and further

Provided, This resolution is revocable at the will, whim or caprice of the Common Council and grantee hereby expressly waives any right to claim damages or compensation for property constructed hereunder or for the removal of same, and further, that grantee acquires no implied or other privileges hereunder not expressly stated herein.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Kronk, Lodge, Sweeny, Van Antwerp, and the President—7.

Nays—None.

#### MONDAY, SEPTEMBER 25

Chairman Smith submitted the following report of Committee of the Whole for above date, and recommended its adoption:

#### Vacation of Alleys

To the Honorable, the Common Council;

Gentlemen—To your Committee of the Whole was referred petition of Edna C. Cummiskey et al (8060), for the vacation of north and south public alleys in area bounded by Hamburg, Waltham, State Fair aves. and Eight Mile road. After consul-

tation 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,  
JOHN W. SMITH,  
Chairman.

By Councilman Smith:

Resolved, that all of north and south public alleys in area bounded by Hamburg, Waltham, State Fair avenues and 8 Mile road, more particularly described as that part of north and south public alley lying between the easterly line of Lots 516 to 519 both inclusive and the westerly line of Lots 520 to 523 both inclusive all of McGiverin-Haldeman's Seven Mile Drive Subd'n. No. 1 of the W.  $\frac{1}{2}$  of the E.  $\frac{1}{2}$  of the N. W.  $\frac{1}{4}$  and part of the E.  $\frac{1}{2}$  of the E.  $\frac{1}{2}$  of the N. W.  $\frac{1}{4}$  of Sec. 2, T. 1 S., R. 12 E., City of Detroit, Wayne Co., Mich., as recorded in Liber 60, Page 32 of Plats of Wayne County Records. Also all of north and south public alley lying between the easterly line of Lots 536 to 539 both inclusive and the westerly line of Lots 540 to 543 both inclusive, all of last mentioned subdivision.

Also that part of north and south public alley, 18 feet wide lying between the easterly line of Lots 242 to 249 both inclusive and the westerly line of Lots 125 to 132 both inclusive all of Cummiskey Park Subdivision of the East 40 Acres except the south 5 Acres of the N. W.  $\frac{1}{4}$  of Sec. 2, T. 1 S., R. 12 E., Gratiot Twp., Wayne County, Michigan as recorded in Liber 52 Page 36 of Plats of Wayne County Records

Also that part of north and south public alley, 18 feet wide lying between the easterly line of Lots 234 to 241 both inclusive and the westerly line of Lots 133 to 140 both inclusive all of last mentioned Subdivision and between the easterly line of Lots 225 to 231 both inclusive and the westerly line of Lots 143 to 149 both inclusive all of last mentioned Subdivision and the easterly 9 feet of said north and south public alley, 18 feet wide lying westerly of and adjoining the westerly line of Lots 141 and 142 of last mentioned Subdivision.

Also all of north and south public alley, 18 feet wide lying between the easterly line of Lots 207 to 224 both inclusive and the westerly line of Lots 150 to 167 both inclusive all of last mentioned Subdivision.

Also all of north and south public alley, 18 feet wide lying between the easterly line of Lots 194 to 206 both inclusive and the westerly line of Lots 168 to 180 both inclusive all of last mentioned Subdivision.



Also that part of north and south public alley, 18 feet wide lying between the easterly line of Lots 117 to 124 both inclusive and the westerly line of Lots 1 to 8 both inclusive all of last mentioned Subdivision.

Also that part of north and south public alley, 18 feet wide lying between the easterly line of Lots 115 and 116 and the westerly line of Lots 9 and 10 all of last mentioned Subdivision. Also the westerly 9 feet of said north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lots 110 to 114 both inclusive all of last mentioned Subdivision. Also that part of said north and south public alley, 18 feet wide lying between the easterly line of Lots 100 to 109 both inclusive and the westerly line of Lots 16 to 25 both inclusive all of last mentioned Subdivision.

Also that part of north and south public alley, 18 feet wide lying between the easterly line of Lots 94 to 99 both inclusive and the westerly line of Lots 26 to 31 both inclusive all of last mentioned Subdivision. Also the easterly 9 feet of said north and south public alley 18 feet wide lying west of and adjoining the westerly line of Lots 32 to 43 both inclusive all of last mentioned Subdivision.

Also the easterly 9 feet of north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lots 44 to 56 both inclusive all of last mentioned Subdivision.

Also the westerly 9 feet of north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lot 233 of last mentioned Subdivision.

Also the westerly 9 feet of north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lot 232 of last mentioned Subdivision.

Also the westerly 9 feet of north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lots 69 to 81 both inclusive all of last mentioned Subdivision and the westerly 9 feet of north and south public alley 18 feet wide lying east of and adjoining the easterly line of Lots 82 to 93 both inclusive all of last mentioned Subdivision.

Also the easterly 9 feet of north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lots 11, 12 and 13 all of last mentioned Subdivision.

Also the easterly 9 feet of north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lots 14 and 15 of last mentioned Subdivision,

Be and the same are hereby va-

cated as public alleys and converted into public easements, which shall be subjected to the following agreements, covenants, uses, reservations and regulations which shall be observed by the owners of said lots heretofore mentioned and by their grantees and assigns and their heirs, executors, administrators and assigns forever, to-wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated alley herein described for the purpose of installing, maintaining, repairing, removing or replacing any sewer conduit, telephone, telegraph, electric light or other poles or things usually placed or installed in a public alley in the City of Detroit with the right of ingress and egress at any time to and over said vacated alley for the purposes above set forth.

Second, said owners for their heirs and assigns further agree that no buildings or structures of any kind whatsoever (except the necessary line fences, dividing said lots) shall be built or placed upon said 18 foot easement or any part thereof, so that said easement shall be forever of easy access for the purposes named above.

Third, that said easement shall be used for the same purposes for which public alleys are generally used in the City of Detroit, excepting that same shall not be opened for the passage of vehicles therein, and further

Resolved, that upon compliance with the above provisions the City Controller be and is hereby directed to issue Quit Claim Deeds to Jules De Buck, widower; Edna C. Cumiskey; Mary Belen, widow of Mathias Belen; John P. Rabout and Helen K. Rabout; Frank J. Howlett and Charles H. Donnelly as joint tenants with the sole right of survivorship and Frank R. Kment and Mary Kment, his wife as owners in fee of adjoining property.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Kronk, Lodge, Sweeny, Van Antwerp, and the President—7.

Nays—None.

#### Finance

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole were referred the following communications from city departments requesting the transfer of funds, approval of vouchers, contracts, etc. After consultation with the City Controller, and careful consideration of the requests, your committee recommends that same be