

October 8

Adopted as follows:  
 Yeas—Councilmen Dingeman,  
 Ewald, Hamilton, Lodge, Sweeny,  
 Van Antwerp, and the President Pro  
 Tem.—7.  
 Nays—None.

#### Fences

To the Honorable, the Common  
 Council:

Gentlemen—To your Committee of  
 the Whole was referred petition of  
 Frank S. Horwatt (4149), requesting  
 assistance in settling a grievance re-  
 garding lot line fence between 6820  
 and 6824-26 Strong Ave. After con-  
 sultation with the Department of  
 Buildings and Safety Engineering and  
 careful consideration of the matter,  
 your committee recommends that  
 same be denied.

Respectfully submitted,  
 EUGENE I. VAN ANTWERP,  
 Chairman.

Accepted and adopted.

#### Paving

To the Honorable, the Common  
 Council:

Gentlemen—To your Committee of  
 the Whole was referred petition of  
 Thomas Hitchman (3826), requesting  
 extension of time for the improve-  
 ment of Shaftsbury Ave. between  
 Outer Drive and Curtis. After con-  
 sultation with the Department of  
 Public Works and careful considera-  
 tion of the matter, your committee  
 recommends that same be granted in  
 accordance with the following resolu-  
 tion.

Respectfully submitted,  
 EUGENE I. VAN ANTWERP,  
 Chairman.

By Councilman Van Antwerp:

Resolved, that extension of time to  
 January 1, 1941 be granted Thomas  
 Hitchman to improve Shaftsbury Ave-  
 nue between Outer Drive and Curtis  
 in conformity with Common Council  
 resolution of November 17, 1939  
 (J.C.C. p. 2681).

Adopted as follows:  
 Yeas—Councilmen Dingeman,  
 Ewald, Hamilton, Lodge, Sweeny,  
 Van Antwerp, and the President Pro  
 Tem.—7.  
 Nays—None.

#### Vacation of Alley

To the Honorable, the Common  
 Council:

Gentlemen—To your committee of  
 the Whole was referred petition of  
 Joseph L. Scherock, et al (8587), for  
 the vacation of a portion of the east  
 and west alley, 9 ft. wide, adjacent to  
 the southerly line of lot 133 of Michael  
 Greiner Estate Sub., petitioners offer-  
 ing to dedicate 9 ft. of land to relocate  
 the alley. After consultation with the  
 City Plan Commission, and careful

consideration of the matter, your  
 committee recommends that the peti-  
 tion be granted in accordance with  
 the following resolution.

Respectfully submitted,  
 EUGENE I. VAN ANTWERP,  
 Chairman.

By Councilman Van Antwerp:

Resolved, that part of east and  
 west public alley, 9 feet wide, in  
 block bounded by Gitre Avenue, Jo-  
 ann Avenue, McNichols Road and  
 Greiner Avenue as platted in Michael  
 Greiner Estate, being a Subdivision  
 of Lots 1 to 16 both inclusive of  
 the plat of the Estate of Catherine  
 Greiner of part of the S. ½ of Sec-  
 tions 11 and 12, T. 1 S., R. 12 E.,  
 as recorded in Liber 560 of Deeds  
 Page 11 City of Detroit, Wayne Co.,  
 Michigan as recorded in Liber 41  
 Page 67 of Plats of Wayne County  
 Records and more particularly de-  
 scribed as follows: Beginning at a  
 point in the southerly line of public  
 alley 9 feet wide, said point also  
 being in the easterly line of Gitre  
 Avenue, 50 feet wide, as now estab-  
 lished; thence along said southerly  
 line South 79 Degrees 16 Minutes 30  
 Seconds East 66.59 feet to a point;  
 thence North 86 Degrees 56 Minutes  
 24 Seconds East 36.82 feet to a  
 point; thence North 2 Degrees 07  
 Minutes West .23 feet to a point in  
 the southeasterly corner of Lot 133  
 of Michael Greiner Estate Sub. here-  
 tofore mentioned; thence along the  
 southerly line of said Lot 133, said  
 line also being the northerly line of  
 9 foot public alley North 79 Degrees  
 16 Minutes 30 Seconds West 104.36  
 feet to a point in the easterly line of  
 Gitre Avenue, 50 feet wide as now  
 established; thence along said east-  
 erly line of Gitre Avenue South 2  
 Degrees 07 Minutes East 9.23 feet  
 to the place of beginning. Be and  
 the same is hereby vacated to become  
 part and parcel of said Lot 133.

Provided owners in fee deed to  
 the City of Detroit the following de-  
 scribed property: Beginning at a  
 point in the east line of Gitre Ave-  
 nue, 50 feet wide as now established,  
 said point also being in the west line  
 of Lot 138 of Gitre Park, being a  
 Subn. of part of Frac'l. Sec. 11, T.  
 1 S., R. 12 E., and part of P. C. 394  
 Gratiot Twp., Wayne Co., Mich., as  
 recorded in Liber 34 Page 100 of  
 Plats of Wayne Co., Records and  
 being North 2 Degrees 07 Minutes  
 West 121.40 feet from the intersec-  
 tion of the north line of McNichols  
 Road 66 feet wide as now established  
 with the said easterly line of Gitre  
 Avenue; thence along a line North  
 86 Degrees 53 Minutes 24 Seconds  
 East 101.76 feet to a point in the  
 southerly line of a public alley 9  
 feet wide as platted in Michael Grei-  
 ner Estate, being a Subdivision of  
 Lots 1 to 16 both inclusive of the



plat of the Estate of Catherine Greiner of part of the S.  $\frac{1}{2}$  of Sections 11 and 12 T. 1 S., R. 12 E., as recorded in Liber 560 of Deeds Page 11 City of Detroit, Wayne Co., Michigan as recorded in Liber 41 Page 67 of Plats of Wayne County Records; thence along said southerly line North 79 Degrees 16 Minutes 30 Seconds West 37.77 feet to a point; thence along a line South 86 Degrees 56 Minutes 24 Seconds West 64.93 feet to a point in the easterly line of Gitre Avenue, 50 feet wide as now established; thence along said easterly line of Gitre Avenue South 2 Degrees 07 Minutes East 9.00 feet to the place of beginning. To be used for alley purposes, and further

Provided, petitioners deposit with the Permit Division of the Department of Public Works \$39.20, said sum being the estimated cost of replacing curbing and sidewalks within the lines of the intersection at Gitre Avenue of the alley herein vacated and lowering curbing at Gitre Avenue at the intersection of the alley herein dedicated, and further

Provided, petitioners pay into the City Treasury the sum of \$15.00, said sum being the estimated cost of re-routing Public Lighting Commission overhead lines, said sum to be credited to P. L. C. Account No. 9, and further

Provided, petitioners reimburse the owners to the extent of the value of any utilities now installed in said alley which it may be necessary to abandon due to the closing of said alley or bear 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

Resolved, that upon compliance with the above provisions the City Controller be and is hereby directed to issue a Quit Claim deed to Joseph L. Scherock and Helena Scherock, his wife as owners in fee of adjoining property.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Hamilton, Lodge, Sweeny, Van Antwerp, and the President Pro Tem.—7.

Nays—None.

#### Vacation of Alley

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was again referred petition of the Flex-O-Tube Co. (3660), for the vacation of a strip of alley on the west side of 14th Ave. between Lafayette and Fort. After consultation with the City Plan Commission, and careful consideration of the re-

quest, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,  
EUGENE I. VAN ANTWERP,  
Chairman.

By Councilman Van Antwerp:  
Resolved, That all that part of east and west public alley in block bounded by 14th Avenue, Vermont Avenue, Fort Street and Lafayette Avenue, more particularly described as being the northerly 11.2 feet of east and west public alley 31.2 feet wide lying south of and adjoining the southerly line of Lot E and the southerly line of the westerly 2 feet of Lot D as platted in Anderson's Sub'n of Lots 1 and 2 of Mrs. Hall's Sub'n. of part of the Godfroy Farm as recorded in Liber 1 Page 240 of Plats of Wayne County Records Be and the same is hereby vacated to become part and parcel of said Lots D & E, and further

Resolved, That part of east and west public alley 31.2 feet wide more particularly described as the southerly 4.40 feet of the northerly 15.60 feet of that part of said east and west public alley lying south of and adjoining the southerly line of Lot E and the southerly line of the westerly 2 feet of Lot D as platted in Anderson's Sub'n of Lots 1 & 2 of Mrs. Hall's Subn. of part of the Godfroy Farm as recorded in Liber 1 Page 240 of Plats of Wayne County Records. Also the northerly 10 feet of east and west public alley 20 feet wide lying south of and adjoining the southerly line of Lots 3 and 4 as platted in Caroline A. Godfroy's Subn. of a portion of P. C. 726 Peter Godfroy Farm as recorded in Liber 1, page 200 of Plats of Wayne County Records.

Also the southerly 15.60 feet of east and west public alley 31.2 feet wide lying north of and adjoining the northerly line of the westerly 42 feet of Lot A as platted in Anderson's Sub'n of Lots 1 & 2 of Mrs. Hall's Subn. of part of the Godfroy Farm as recorded in Liber 1 Page 240 of Plats of Wayne County Records. Also the southerly 10 feet of east and west public alley 20 feet wide lying north of and adjoining the northerly line of Lots 1 and 2 as platted in Caroline A. Godfroy's Sub'n of a portion of P. C. 726, Peter Godfroy Farm as recorded in Liber 1 Page 200 of Plats of Wayne County Records. Be and the same is hereby vacated as a public alley and converted into a public easement 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,



October 8

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 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 installed or placed 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 successors, 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 20 foot easement or any part thereof, so that said easement shall be forever of easy access for the purposes above named.

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

Provided, petitioners deposit with the Permit Division of the Department of Public Works the sum of \$203.20 to reimburse the city for the expense incurred in the original paving of the alley intersection within the lines of the alley on 14th Avenue, herein vacated, said sum to apply on the cost of removal of existing alley return and the replacement of curbing, sidewalks and grading incidental to said removal, and further

Resolved, That upon compliance with the above provisos the City Controller be and is hereby directed to issue Quit Claim Deeds to Flex-O-Tube Company, a Delaware Corporation and to United Drill and Tool Company, a Michigan Corporation as owners in fee of adjoining property.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Hamilton, Lodge, Sweeny, Van Antwerp, and the President Pro Tem—7.

Nays—None.

### RESOLUTIONS

By Councilman Hamilton:  
Resolved, That the Department of Purchases and Supplies be and it is hereby authorized and directed to enter into contract with the Yellow Truck & Coach Mfg. Co., General Motors Truck & Coach Division, for furnishing the Department of Public Works with 25 dump trucks, cab over engine type, complete with dump

bodies and hoists, for the sum of \$45,864.50, F. O. B. delivered.

Adopted as follows:

Yeas—Councilmen Dingeman, Ewald, Hamilton, Lodge, Sweeny, Van Antwerp, and the President Pro Tem—7.

Nays—None.

And the Council then adjourned.

CHARLES E. DORAIS,  
President Pro Tem.

FRED W. CASTATOR,  
City Clerk.

### ORDINANCE No. 136-D

(File in container and make notation in Chapter 266 on page 649).

AN ORDINANCE to amend Chapter 266 of the Compiled Ordinances of the City of Detroit, 1936, by adding a new section thereto to be known as Section 8.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That Chapter 266 of the Compiled Ordinances of the City of Detroit, 1936, be and the same is hereby amended by adding a new section thereto to be known as Section 8, reading as follows:

Section 8. Notwithstanding any of the provisions in this Chapter to the contrary, it shall be lawful to erect, maintain or use overhead electrical traffic signals, span wires and cables in the streets of the City of Detroit, wherever directed or approved by the Traffic Committee of the City of Detroit and the Common Council.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Approved May 28, 1940.

EDWARD J. JEFFRIES, JR.,  
Mayor.

Attest:  
FRED W. CASTATOR,  
City Clerk.

The above ordinance will take effect on the 27th day of June, 1940.

FRED W. CASTATOR,  
City Clerk.