

any rights in the lateral sewers located therein and at all times shall have the right to enter upon the premises if found necessary on account of said sewers to repair same, and further

Provided, petitioners deposit with the Permit Division of the Department of Public Works, the sum of \$231.95 to reimburse the City for the original cost of paving the alley intersection on the west side of Manor Avenue within the lines of the alley herein vacated, said sum to apply on the cost of removal of existing return and the replacement of curbing, and the construction of sidewalks across all alleys herein vacated, and further

Resolved, that upon compliance with the above provisos the City Controller be and is hereby directed to issue Quit Claim Deeds to Joseph A. Sailer and Ethel E. Sailer, his wife; Evelyn Kennedy; Nottingham Land Company, a Michigan corporation; Vernon J. Brown, Auditor General of the State of Michigan; Herbert R. Noxon and Margaret Noxon, his wife; George E. Doyle and Hannah B. Doyle, his wife and Annie Bell as owners in fee of adjoining property.

Adopted as follows:

Yeas—Councilmen Dorais, Garlick, Lodge, Van Antwerp, and the President—5.

Nays—None.

**Vacation of Easement**

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Wallace E. Reid, Inc. (7142), requesting the vacation of an easement for public utilities only, in the block bounded by Glastonbury, Pickford, Faust and Margareta Aves. 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,

EUGENE I. VAN ANTWERP,  
Chairman.

By Councilman Van Antwerp:

Resolved, That all of north and south public easement in block bounded by Faust Avenue, Glastonbury Road, Pickford and Margareta Avenues, more particularly described as an 8-foot easement being the westerly 8 feet of lots 711 to 713, both inclusive, all of Brookline No. 3, a subdivision of the N. E. ¼ of the N. E. ¼ of Sec. 11, T. 1 S., R. 10 E., Redford, Wayne Co., Michigan as recorded in Liber 43, Page 61 of Plats of Wayne County Records, be and the same is hereby vacated to become part and parcel of said lots 711 to 713, both inclusive.

Provided, the owners in fee grant to the use of the public as public easement the southerly 8 feet of lot 713 of last mentioned subdivision which easement shall be subjected to the following agreements, covenants, uses, reservations and regulations which shall be observed by the owners in fee of said lot heretofore mentioned and by their grantees, assigns and their heirs, executors and 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 southerly 8 feet of said lot 713 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 easement 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 8-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

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

Resolved, that upon compliance with the above provisos the City Controller be and is hereby directed to issue Quit-Claim deed to Wallace E. Reid, Inc., a Michigan Corporation, as owner in fee of adjoining property.

Adopted as follows:

Yeas—Councilmen Dorais, Garlick, Lodge, Van Antwerp, and the President—5.

Nays—None.

**Vacation of Solvay Ave.**

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of the Nash - Kelvinator Corporation (7364), requesting a deed to a portion of Solvay Ave. vacated by resolution



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of March 3, 1931, (J. C. C. pp. 443-5), upon petition of the Green Real Estate Co. and Kelvinator Corporation (8963 and 8964). After consultation with the City Plan Commission, and careful consideration of the request, 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 the City Controller be and he is hereby authorized and directed to execute a quit-claim deed to the Nash-Kelvinator Corporation covering that portion of Solvay Ave. which abutted on the premises owned by the Kelvinator Corporation on March 3, 1931, as vacated by resolution adopted that date (J. C. C. pp. 443-5, 1931),

Provided, Petitioner files with the City Clerk an acceptance of the terms and conditions set forth in said resolution of March 3, 1931, and a waiver of grade separation damages as provided therein.

Adopted as follows:

Yeas—Councilmen Dorais, Garlick, Lodge, Van Antwerp, and the President—5.

Nays—None.

### Zoning Ordinance

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole were referred petitions of James A. Denyes (7421), change zoning from R1 to B2, northeast corner Bedford and McNichols Rd., Alex Gordon (7422), change zoning from R1 to ML, McGraw, Kirkwood, Larbins, Braden, and W. Murray Smith (7425), requesting change of zoning for property on west side of Hibbard, north of Jefferson. After consultation with the City Plan Commission and careful consideration of the requests, your committee recommends that same be denied.

Respectfully submitted,  
EUGENE I. VAN ANTWERP,  
Chairman.

Accepted and adopted.

And the Council then adjourned until 12 o'clock noon Wednesday, July 2, 1941.

JOHN W. SMITH,  
President.

THOMAS D. LEADBETTER,  
City Clerk.

# COMMON COUNCIL

(ADJOURNED-OFFICIAL)

Detroit, Wednesday, July 2, 1941.

Pursuant to adjournment, the Council met at 12 o'clock noon, and was called to order by the President, Hon. John W. Smith.

Present—Councilmen Dorais, Garlick, Lodge, Van Antwerp, and the President—5.

There being a quorum present, the Council was declared to be in session.

### Taken From the Table

Councilman Van Antwerp moved to take from the table an Ordinance to amend Dist. Map 66 of Ordinance 171-D (Zoning) to show B2 district classification instead of R1 district classification in area bounded by Schaefer Highway, alley south of McNichols Road, Hartwell Ave. extended and Grove Ave., etc., laid on the table June 10th, 1941 (J. C. C. p. 1742), which motion prevailed.

The ordinance was then placed on the order of third reading.

### Third Reading of Ordinance

The title to the ordinance was read a third time.

The ordinance was then read.

The question being "Shall This Ordinance Now Pass?" The ordinance was passed, a majority of the councilmen present voting therefor as follows:

Yeas—Councilmen Dorais, Garlick, Lodge, Van Antwerp, and the President—5.

Nays—None.

Title to ordinance was confirmed.

### COMMUNICATIONS

From the Corporation Counsel

July 2, 1941.

To the Honorable, the Common Council:

Gentlemen—We are attaching herewith appropriate resolution conforming to the Mayor's suggestion that bids for lease or sale of the Barlum Hotel be again solicited during a period of approximately three weeks.

Very truly yours,

JOHN H. WITHERSPOON,  
Acting Corp. Counsel.

By Councilman Dorais:  
Resolved, That the Corporation