

Vacation of Alleys

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Douglas J. Fuller et al (9223), for the conversion of alleys into easements in the block bounded by Manor, Montevista, Cambridge Aves. and West Outer Drive. 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 all of public alleys in block bounded by Manor, Monte Vista, Cambridge Avenues and Outer Drive, West as platted in Blenheim Forest Subdivision of part of N. $\frac{1}{2}$ of S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of Section 5 and the S. $\frac{1}{2}$ of the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of Section 5, T. 1, S. R. 11 E., City of Detroit, Wayne County, Michigan, as recorded in Liber 55 page 39 of Plats of Wayne County Records more particularly described as the northerly $\frac{1}{2}$ of said east and west public alley, 18 feet wide lying south of and adjoining the southerly line of Lot 255, the southerly line of the easterly 11.5 feet of Lot 256 all of last mentioned Subdivision.

Also the northerly $\frac{1}{2}$ of said east and west public alley, 18 feet wide lying south of and adjoining the southerly line of the westerly 33.5 feet of Lot 256, the southerly line of Lot 257, the southerly line of the easterly 33.5 feet of Lot 258 all of last mentioned Subdivision.

Also the northerly $\frac{1}{2}$ of said east and west public alley, 18 feet wide, lying south of and adjoining the southerly line of the westerly 11.5 feet of Lot 258, the southerly line of Lot 259 all of last mentioned Subdivision.

Also the southerly $\frac{1}{2}$ of said east and west public alley, 18 feet wide lying north of and adjoining the northerly line of Lot 285, the northerly line of the westerly $\frac{1}{2}$ of north and south public alley, 18 feet wide. Also the westerly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying east of and adjoining the easterly line of said Lot 285 all of last mentioned Subdivision.

Also the westerly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lot 286 of last mentioned Subdivision.

Also the westerly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lot 287 of last mentioned Subdivision.

Also the westerly $\frac{1}{2}$ of said north

and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lot 288 of last mentioned Subdivision.

Also the westerly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lot 289 of last mentioned Subdivision.

Also the westerly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lot 290 of last mentioned Subdivision.

Also the westerly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lot 291 of last mentioned Subdivision.

Also the westerly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lot 292 of last mentioned Subdivision.

Also the westerly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lot 293 of last mentioned Subdivision.

Also the westerly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying east of and adjoining the easterly line of Lot 294 of last mentioned Subdivision.

Also the easterly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lot 295 of last mentioned Subdivision.

Also the easterly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lot 296 of last mentioned Subdivision.

Also the easterly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lot 301 of last mentioned Subdivision.

Also the easterly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lot 298 of last mentioned Subdivision.

Also the easterly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lot 299 of last mentioned Subdivision.

Also the easterly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lot 300 of last mentioned Subdivision.

Also the easterly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lot 301 of last mentioned Subdivision.

Also the easterly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lot 302 of last mentioned Subdivision.

Also the easterly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lot 303 of last mentioned Subdivision.

Also the easterly $\frac{1}{2}$ of said north and south public alley, 18 feet wide lying west of and adjoining the westerly line of Lot 304 of last mentioned Subdivision.

Also the southerly $\frac{1}{2}$ of said east and west public alley, 18 feet wide lying north of and adjoining the northerly line of Lot 304, the northerly line of the easterly $\frac{1}{2}$ of said north and south public alley, 18 feet wide, all of last mentioned Subdivision.

Be and the same are hereby vacated as public alleys and converted into 9 foot public easements which shall be subjected to the agreements, covenants, uses, reservations and regulations as hereinafter set forth which shall be observed by the owners of said lots heretofore mentioned and by their grantees and assigns, their successors 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 rear and/or side 9 feet of said vacated alleys 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 to 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 18 foot easement or any part thereof so that said easements shall be forever of easy access for the purposes above named.

Third, that said easements 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, That by reason of the vacation of the above described alleys, the City of Detroit does not waive 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 \$86.89 to reimburse the City of Detroit for the expense incurred in the original paving of the alley intersection within the lines of the alley

herein vacated at Monte Vista Avenue, said sum to apply on the cost of removal of the return at said alley intersection as well as the construction of sidewalks across all alleys herein vacated, and further

Provided, Petitioners deposit an additional \$123.11 to cover any cost that may accrue over and above the reimbursement deposit. If the total cost of construction exceeds \$86.89 the excess shall be deducted from the \$123.11 deposit and the balance refunded to the petitioners. If the cost is less than \$86.89, the entire \$123.11 shall be refunded to petitioners, and further

Provided all taxes shall be paid on all abutting property, and further

Provided, all of the above provisos shall be complied with within 30 days from the date of this resolution, and further

Resolved, That upon compliance with the above provisos the City Controller be and is hereby directed to issue Quit Claim deeds to Everett G. Wright and Mayo P. Wright, his wife; Frank D. Fry and Mary Beatrice Fry, his wife, and S. Pointer Bradley and Leila MacDonald Bradley, his wife; Columbus C. Pitchford and Frances A. Pitchford, his wife; Sarah Dora Doherty; Nick Gavrilovich and Dora Gavrilovich, his wife; Robert B. Hardy and Margarette V. Hardy, his wife; Percy Best and Mildred A. Best, his wife; Carl A. Peterson and Maude H. Peterson, his wife; Melvin Woolner and Sarah Ann Woolner, his wife; Clayton M. Firby and Virginia Firby, his wife; Harry A. Hannon and Kathryn M. Hannon, his wife; Douglas A. Voy and Agnes C. Voy, his wife; Willard H. Zentgrebe and Winifred D. Zentgrebe, his wife; Douglas J. Fuller and Mary L. Fuller, his wife; Lawrence Cousins Whitsit and Elsie S. Whitsit, his wife; Irwin W. Barnwell and Rosella M. Barnwell, his wife; Ernest F. Hohwart and Erika H. Hohwart, his wife; George W. Mittler and Jean H. Mittler, his wife; Jack H. Gaines and Marguerite D. Gaines, his wife; Richard A. Thompson and Lillian Thompson, his wife; Daniel R. O'Connor and Henriette O'Connor, his wife; John D. Ferguson and Marian L. Ferguson, his wife; William J. McGrail, Jr., and Anne B. McGrail, his wife, as owners in fee of adjoining property.

Adopted as follows:

Yeas—Councilmen Dorais, Garlick, Lodge, Sweeny, Van Antwerp, and the President—6.

Nays—None.

By Councilman Van Antwerp

Whereas, Christmas Day and New Year's Day fall on Thursday this year, and

Whereas, the granting of leaves of absence to city employes on Friday,

December 26th or January 2nd, would permit them to have a long week-end, therefore be it

Resolved. That the City Departments be and they are hereby requested so far as possible, to arrange a schedule whereby each employe will be given a leave of absence on December 26th, 1941, or January 2nd, 1942.

Adopted as follows:

Yeas—Councilmen Dorais, Garlick, Lodge, Sweeny, Van Antwerp, and the President—6.

Nays—None.

By Councilman Van Antwerp:

Resolved, That the final meeting of the Committee of the Whole of the Common Council of 1941 be held at 10:30 A. M., Friday, January 2, 1942, and the final session of the Common Council of 1941 be held at 11:30 A. M., Monday, January 5th, 1942.

Adopted as follows:

Yeas—Councilmen Dorais, Garlick, Lodge, Sweeny, Van Antwerp, and the President—6.

Nays—None.

By Councilman Van Antwerp:

Resolved, That all city departments be and they are hereby instructed to fly the American Flag from all buildings under their control.

Adopted as follows:

Yeas—Councilmen Dorais, Garlick, Lodge, Sweeny, Van Antwerp, and the President—6.

Nays—None.

MONDAY, DECEMBER 15

Chairman Dorais submitted the following reports of Committee of the Whole for above date, and recommended their adoption:

Curb Cuts

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of the Briggs Manufacturing Co. (9949), requesting permission to lower the curbing at Mt. Elliott Ave. and E. Outer Dr., for driveways into proposed defense plant and parking lot. After consultation with the Department of Public Works, and careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

CHARLES E. DORAIS,
Chairman.

By Councilman Dorais:

Resolved, that the Department of Public Works be and it is hereby authorized and directed to issue permit

to the Briggs Manufacturing Company to lower curbing for driveways into its premises at the northwest corner of Mt. Elliott Ave. and E. Outer Dr. as follows:

A 50' curb cut at entrance of service road out of 1300' on Mt. Elliott.

A 50' curb cut at main entrance to plant; also two 44' cuts at entrance to parking lot, out of 1134' 8 $\frac{5}{8}$ " on Outer Drive. Provided petitioner has all trees and construction removed at own expense. Commercial driveways—U. S. Defense Plant and parking lot.

Provided, Ordinance grade is used and all sidewalks are replaced to grade and further

Provided, that said work shall be performed under the supervision of the Department of Public Works and in accordance with plans submitted to and approved by said department, and further

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 driveways 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 im-