

MAY 22

ever 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 the same shall not be opened for the passage of vehicles therein, and further

Provided, petitioners deed to the City of Detroit the southerly 12 feet of the northerly 61 feet of lot 867 of Yorkshire Woods Subn. No. 4, of part of lot 33 and that part of Widow's Dower lying northerly of said lot of partition plat of Magloire Moross Estate of P. C. 123 and that part of P. C. 123 lying between Durussel Road and said lot 33, Gratiot Twp., Wayne County, Michigan, as recorded in Liber 48, Page 78 of plats of Wayne County Records, to be used as a public easement and to be subjected to all provisions regarding its use as is the 12 foot easement heretofore established of which easement this dedication is made as extension westerly, and further,

Provided, petitioners deed to the City of Detroit all that part of lot 32 of the subdivision of the estate of M. Moross, Private Claim 123, lying southerly of a line, said line being the northerly line, extended, of Canyon Avenue, 66 feet wide as now established, said land to be used for street purposes and to be known as Canyon Avenue, and further,

Resolved, that upon compliance with the above provisos the City Controller be and he is hereby directed to issue Quit Claim deeds to Larry W. Dow and Guy A. Parsons, as owners in fee of the adjoining property, and further,

Resolved, that upon receipt of proper evidence that all taxes are paid on the abutting property, the City Engineer be and he is hereby directed to release said deeds.

Adopted as follows:

Yeas—Councilmen Castator, Comstock, Dorais, Rogell, Sweeny, and the President—6.

Nays—None.

Vacation of Alleys

To the Honorable, the Common Council:

Gentlemen—To your Committee of the Whole was referred petition of Russell A. Shields (4434), for the conversion of alleys into easements on the south side of Pembroke ave. between Stout and Braille aves. 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,

WILLIAM G. ROGELL,

Chairman.

By Councilman Rogell:

Resolved, that all of east and west public alleys, 20 feet wide, lying first southerly of Pembroke Avenue and parallel thereto, between Braille and Stout Avenues, as platted in Feldman and Feldman's Evergreen Manor Subdivision, being a subdivision of the E. $\frac{1}{2}$ of the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of Sec. 3, T. 1 S., R. 10 E., Redford Twp., Wayne County Michigan, as recorded in Liber 57, Page 65 of plats of Wayne County Records, and more particularly described as all of east and west public alley, 20 feet wide, lying south of and adjoining the southerly line of lots 1 to 5, both inclusive, south of and adjoining the southerly line of lots 120 to 124, both inclusive, and north of and adjoining the northerly line of lots 6 and 119, and north of and adjoining the northerly line of 12 foot north and south public easement, all lots and easement as platted in last mentioned subn., excepting therefrom all that part of said east and west public alley lying between the easterly and westerly lines, extended northerly 20 feet, of said 12 foot north and south public easement, heretofore mentioned, which portion of above described alley shall be vacated as a public alley and be converted into a 12 foot public easement.

Also, all of east and west public alley, 20 feet wide, lying south of and adjoining the southerly line of lots 125 to 129, both inclusive, south of and adjoining the southerly line of lots 244 to 248, both inclusive, and north of and adjoining the northerly line of lots 130 and 243 and north of and adjoining the northerly line of 12 foot north and south public easement, all lots and easement as platted in Feldman and Feldman's Evergreen Manor sub., heretofore mentioned, excepting therefrom all that part of said east and west public alley lying between the easterly and westerly lines, extended northerly 20 feet, of 12 foot north and south public easement, heretofore mentioned, which portion of above described alley shall be vacated as a public alley and be converted into a 12 foot public easement.

Also, all of east and west public alley, 20 feet wide, lying south of and adjoining the southerly line of lots 249 to 253, both inclusive, and north of and adjoining the northerly line of lot 254 and north of and adjoining the northerly line of the 6 foot public easement located in the rear of said lot 254, all lots and easement as platted in Feldman and Feldman's Evergreen Manor sub., heretofore mentioned, excepting therefrom the easterly 6 feet of said east and west public alley, said portion to be converted into a 6 foot public easement.

All portions of above described public alleys excepting those parts especially designated as portions of said alleys to be reserved as public easements, be and the same are hereby vacated as public alleys to become a part and parcel of the adjoining property.

Provided, petitioner dedicates the following described property to be used as public easements: the easterly 6 feet of lot 5 and the westerly 6 feet of lot 120; the easterly 6 feet of lot 129 and the westerly 6 feet of lot 244; the easterly 6 feet of lot 253, all of said lots as platted in Feldman and Feldman's Evergreen Manor Subdivision, being a subdivision of the E. $\frac{1}{2}$ of the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of Sec. 3, T. 1 S., R. 10 E., Redford Twp., Wayne County, Michigan, as recorded in Liber 57, page 65 of plats of Wayne County Records, which easements together with those portions of public alleys herein vacated and hereinbefore reserved as public easements shall be subjected to the following agreements, covenants, uses, reservations and regulations which shall be observed by the owners of said lots 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 dedicated land and portions of public 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 easements for the purpose above set forth.

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

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

Provided, that by reason of the vacation of the alley east of Fielding Avenue lying south of and adjoining the southerly line of lots 249 to 253, both inclusive and north of and adjoining the northerly line of lot 254 and north of and adjoining the northerly line of the 6 foot public easement located in the rear of said lot 254, of last mentioned subdivision, the City of Detroit does not waive any rights in the lateral sewer located therein, and shall at all times have the right to enter upon the premises if found necessary on account of said sewer to repair, alter or service same, and further, that if any building is to be constructed over said sewer the same shall be replaced with 12-inch vitrified pipe encased in 8 inches of Class "A" concrete together with the construction of such manholes as specified by the City Engineer. All work to be done under the supervision and inspection of the Department of Public Works and all costs entailed to be borne by the petitioners, and further, that petitioners shall not build over said alley without first securing the approval of the City Engineer and the Department of Health, and further,

Resolved, that upon compliance with the above provision the City Controller be and he is hereby directed to issue Quit Claim deed to Russell A. Shields and Phoebe F. Shields, his wife, as owners in fee of the adjoining property, and further,

Resolved, that upon receipt of proper evidence that all taxes are paid on the abutting property, the City Engineer be and he is hereby directed to release said deed.

Adopted as follows:

Yeas—Councilmen Castator, Comstock, Dorais, Rogell, Sweeny, and the President—6.

Nays—None.

And the Council then adjourned.

JOHN C. LODGE,
President.

THOMAS D. LEADBETTER,
City Clerk.